

# **भारत का राजपत्र** **The Gazette of India**

आधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 2] नई दिल्ली, शनिवार, जनवरी 8, 1966/पौष 18, 1887

No. 2] NEW DELHI, SATURDAY, JANUARY 8, 1966/PAUSA 18, 1887

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation

नोटिस

NOTICE

नीचे लिखे भारत के प्रसाधारण राजपत्र 22 दिसम्बर, 1965 तक प्रकाशित किए गए ।

The undermentioned Gazettes of India Extraordinary were published upto the 22nd]December, 1965 :—

Issue No.	No. and Date	Issued by	Subject
326	S.O. 3975, dated 20th December, 1965	Ministry of Commerce	Notifies that the minerals and ores specified in the Schedule annexed thereto shall be subject to inspection prior to export.
	S.O. 3976, dated 20th December, 1965.	Do.	Amendment in notification No. S.O. 3152, dated 30th September, 1965.
	S.O. 3977, dated 20th December, 1965.	Do.	The Export of Minerals and Ore —Group I (Inspection Rules, 1965.
327	S.O. 3978 dated 20th December, 1965.	Do.	Notifies that the minerals and ores specified in the Schedule annexed there to shall be subject to inspection prior to export.

Issue No.	No. and Date]	Issued by	Subject
	[ S.O. 3979, dated 20th December, 1965.	Do.]	Amendment in the notification No. S.O. 3150, dated 30th September, 1965.
	S.O. 3980, dated 20th December, 1965.	Do.	The Export of Minerals and Ores—Group II (Inspection) Rules, 1965.
[328	S.O. 3981, dated 22nd December, 1965.	Do.	Authorising Shri P.N. Kapur to take over the management of the Muir Mills Ltd., Kanpur

ऊपर लिखे श्रमाधारण गजटों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on demand to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

#### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रिय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

#### MINISTRY OF HOME AFFAIRS

New Delhi, the 28th December, 1965.

**S.O. 83.**—In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952) the Central Government hereby directs that the following further amendments shall be made in the Notaries Rules, 1956, namely:—

- (a) In rule 10, Sub-rule (1), the existing clause (k) shall be relettered as clause (m) and before clause (m) as so relettered, the following clauses shall be inserted, namely:—

“(k) for nothing and drawing up ship's protest, boat's protest or portest relating to demurrage and other commercial matters—Rs. 25

- (1) for certifying copies of documents as true copies of the original—

(i) 50 paise in the case of a document which does not contain more than 1,500 words; and

(ii) in the case of a document which contains more than 1,500 words, 50 paise for the first 1,500 words and 10 paise for every 300 words in excess of 1,500 words.”

- b) For the existing sub-rule (2) of the rule 11, the following shall be substituted, namely:—

“(2) Besides recording declaration of payment for honour a notary shall also register notings and protests made. Every notary shall maintain a Notarial Register in the prescribed form XV.”

- c) After Form XIV, the following form shall be inserted, namely:—

#### FORM XV.

Notarial Register [See rule 11 (2).]

Date o.	Nature of notarial act	Name of Executant or person concerned with full address.	Contents of document	Notarial fee-stamp affixed	Prescribed fees	Fees charged	Sl. No. of Receipt Book	Signature of person concerned.	Signature of notary	
1	2	3	4	5	6	7	8	9	10	11

[No. F 3/1/64-Judicial II.]

MANGLI PRASAD, Under Secy.

**MINISTRY OF FINANCE****(Department of Economic Affairs)***New Delhi, the 28th December 1965*

**S.O. 84.**—In exercise of the powers conferred by sub-section (2) of Section 45 of the Banking Companies Act (10 of 1949) the Central Government hereby extends the period of moratorium, granted by it in respect of the Habib Bank Ltd., Bombay, up to and including the 6th March 1966.

[No. F. 17(19)-BC/65.]

**S.O. 85.**—In exercise of the powers conferred by sub-section (2) of Section 45 of the Banking Companies Act (10 of 1949) the Central Government hereby extends the period of moratorium, granted by it in respect of the National Bank of Pakistan, Calcutta, up to and including the 6th March 1966.

[No. F. 17(19A)-BC/65.]

*New Delhi, the 31st December 1965*

**S.O. 86.**—In pursuance of the provisions of clause (d) of sub-section (1) of Section 8 of the Deposit Insurance Corporation Act, 1961 (47 of 1961), the Central Government hereby nominates Shri G. S. Diwan, 128, Hindu Colony, 5th Lane, Dadar, Bombay, and Shri S. N. Desai, Chartered Accountant, Bombay, as directors of the Deposit Insurance Corporation for a period of one year with effect from the 1st January, 1966.

[No. F. 10/25/65-SB.]

**S.O. 87.**—In exercise of the powers conferred by sub-section (2) of section 1 of the Banking Laws (Application to Cooperative Societies) Act, 1965 (23 of 1965), the Central Government hereby appoints the first day of March, 1966 as the date on which the said Act shall come into force.

[No. F. 10/16/65-SB.]

*New Delhi, the 3rd January 1966*

**S.O. 88.**—In exercise of the powers conferred by section 58 of the State Bank of India (Subsidiary Banks) Act, 1959 (No. 38 of 1959) the Central Government hereby specifies the eighth day of January 1966 as the date on which the following existing banks, namely,

- (i) the Bank of Bikaner, Limited,
- (ii) the Bank of Indore, Limited,
- (iii) the Bank of Mysore, Limited,
- (iv) the Travancore Bank, Limited,

shall stand dissolved.

[No. F. 9/14/65-SB.]

V. SWAMINATHAN, Under Secy.

**(Department of Company Affairs and Insurance)***New Delhi, the 30th December 1965*

**S.O. 89.**—In exercise of the powers conferred under section 624A of the Companies Act, 1956 (1 of 1956), the Central Government hereby appoints Shri K. G. Raghawan, Company Prosecutor Grade III in the Office of the Registrar of Companies, Andhra Pradesh and Shri V. N. Jagannath, Company Prosecutor, Grade III in the Office of the Registrar of Companies, Mysore, as Company Prosecutors for the conduct of Prosecutions arising out of the said Act in all the Courts respectively in the States of Andhra Pradesh and Mysore.

[No. 2/23/64-Admn.II.]

K. C. CHAND, Under Secy.

**CENTRAL BOARD OF DIRECT TAXES**

**INCOME-TAX**

*New Delhi, the 28th December 1965*

**S.O. 90.**—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961) the Central Board of Direct Taxes hereby makes the following addition to the Schedule annexed to its Notification No. 1(F. No. 55/233/63-IT) dated the 18th May, 1964.

After Serial No. 17 in the said Schedule, the following item shall be added:

1	2	3	4	5	6
18. (a)	All persons other than Companies or Co-operative Societies carrying on Banking business who carry on business as multi-bankers, finance brokers, hundi brokers or purjallas within the limits of Madras. City and Saidapet Taluk of Chingleput District in the State of Madras.	Income-tax Officer, Central Circle IV, Madras	Inspecting Assistant Commissioner of Incometax who has been appointed to perform the functions of an Inspecting Assistant Commissioner in respect of the Income-tax Officer, Central Circle IV, Madras.	Appellate Assistant Commissioner of Incometax who has been appointed to perform the functions of an Appellate Assistant Commissioner in respect of the Income-tax Officer, Central Circle IV, Madras.	Commissioner of Income tax (Central) Madras.
(b)	All partners of firms falling under (a) above.				

This Notification shall have effect from the 12th January, 1966.

[No. 7(F. No. 55/362/65-IT)]  
I. K. PATHAN, Under Secy.

**INCOME TAX**

*New Delhi, the 30th December 1965*

**S.O. 91.**—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 20 (F. No. 55/1/62-IT), dated the 30th April, 1963 published as S.O. 1293 on pages 1454—1457 of the Gazette of India Part II Section 3 sub-section (ii), dated the 11th May, 1963 as amended from time to time:—

I. Existing entries under columns (1), (2) and (3) against S. No. 3, 6, 7, 7A, 13 and 18 shall be substituted by the following entries:

Income-tax Commissioners	Headquarters	Jurisdiction
(1)	(2)	(3)
3. Bihar and Orissa	Patna.	States of Bihar and Orissa excluding the Special Investigation Circle, Cuttack.
6. (Central), Bombay	Bombay.	1. Central Sections I to XIV and Central Circles I-C and II-D at Bombay. 2. Special Investigation Circles at Nagpur.

(1)	(2)	(3)
7. Delhi	New Delhi	Union territory of Delhi excluding Central Circles I to V at Delhi and Special Investigation Circles at Delhi.
7A. Delhi (Central)	New Delhi	1. Central Circles I to V at Delhi. 2. Central Circles I & II at Jaipur. 3. Central Circle, Ambala. 4. Central Circle, Ludhiana. 5. Special Investigation Circles at Amritsar, Delhi, Lucknow, Meerut, Kanpur and Srinagar.
13. Punjab, Jammu and Patiala, Kashmir and Himachal Pradesh.		States of Punjab and Jammu and Kashmir and the Union territory of Himachal Pradesh excluding Central Circles at Ludhiana and Ambala and Special Investigation Circles at Amritsar and Srinagar.
18. (Central), Calcutta.	Calcutta	Central Circles I to XXVII and Special Investigation Circle, Cuttack.

II. Against S. No. 12A Training, Nagpur under Column 3 of the Schedule appended thereto, the following entries shall be deleted:

6. Special Investigation Circle A, Nagpur.
7. Special Investigation Circle B, Nagpur.
8. Special Investigation Circle C, Nagpur.
9. Special Investigation Circle D, Nagpur.

III. (i) Against S. No. 15, Uttar Pradesh-I, Lucknow under column 3 of the Schedule appended thereto, the following entries shall be deleted:

3. Special Investigation Circle, Lucknow.
9. Special Investigation Circle, Kanpur.

(ii) The existing items 4 to 8 and 10 to 27 shall be renumbered as 3 to 7 and 8 to 25.

IV. (i) Against S. No. 15-A, Uttar Pradesh-II, Lucknow under column 3 of the Schedule appended thereto, the following entries shall be deleted:

12. Special Investigation Circle 'A', Meerut.
13. Special Investigation Circle 'B', Meerut.
14. Special Investigation Circle 'C', Meerut.

(ii) The existing items 15 to 33 shall be renumbered as 12 to 30.

This Notification shall take effect from 1st January, 1966.

[No. 117 (F. No. 55/396/65-IT).]

G. M. KULKARNI, Under Secy.

## DEPARTMENT OF SOCIAL SECURITY

*New Delhi, the 28th December 1965.*

**S.O. 92.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), the Central Government hereby adds to the Schedule to the said Act the following village industries, namely:—

- (i) Manufacture of Gum resins;
- (ii) Manufacture of Katha.

[No. 5/47/63-KVI(P).]

P. SITARAMAN, Dy. Secy.

*New Delhi, the 28th December 1965*

**S.O. 93.**—Whereas the Central Government was satisfied that M/s. Ranjit Litho and Offset Works was situated in Gondia area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Bhandara in the State of Maharashtra;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the Department of Social Security No. 6(88)/65-HI, dated the 7th August, 1964;

And, whereas the Central Government is satisfied that the insurable population of the Gondia area in the district of Bhandara in the State of Maharashtra has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby rescinds the notification of the Government of India in the Department of Social Security No. 6(88)/65-HI, dated the 7th August, 1964.

[No. F. 6/80/65-HI.]

*New Delhi, the 29th December 1965*

**S.O. 94.**—Whereas the Central Government was satisfied that 1. M/s. Union Bone Mills; 2. M/s. Vishwavijay Printing Press were situated in Gondia area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Bhandara in the State of Maharashtra;

And, whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employers' special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the Ministry of Labour and Employment No. 6(88)/63-HI, dated the 4th March, 1964;

And, whereas the Central Government is satisfied that the insurable population of the Gondia area in the district of Bhandara in the State of Maharashtra has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. 6(88)/63-HI, dated the 4th March, 1964, namely:—

In the schedule to the said notification, against serial No. 1, the entries "Gondia" and

"1. M/s. Union Bone Mills

2. M/s. Vishwavijay Printing Press"

occurring in columns 3 and 4 respectively shall be omitted.

[No. F. 6/80/65-HI.]

**S.O. 95.**—Whereas the Central Government was satisfied that M/s. Vidarbha Trading Co. Saw Mills was situated in Gondia area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Bhandara in the State of Maharashtra;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the Employers' special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India Ministry of Labour and Employment No. 6(88)/63-HI, dated the 3rd April, 1964;

And, whereas the Central Government is satisfied that the insurable population of the Gondia area in the district of Bhandara in the State of Maharashtra has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. 6(88)/63-HI, dated the 3rd April, 1964; namely:—

In the schedule to the said notification, against serial No. 2 the entries 'Gondia' and 'M/s. Vidarbha Trading Co. Saw Mills' occurring in column 3 and 4 respectively shall be omitted.

[No. F. 6/80/65-HI.]

DALJIT SINGH, Under Secy.

## MINISTRY OF LAW

(Department of Legal Affairs)

*New Delhi, the 30th December 1965*

**S.O. 96.**—In exercise of the powers conferred by sections 56 and 61 of the Administrators—General Act, 1963 (45 of 1963) and in supersession of the notification of the Government of India in the Home Department (Judicial) No. F. 620/32, dated the 25th July, 1932, the Central Government hereby directs that where a subject of a State specified in the schedule hereto annexed dies in the territories to which the said Act extends and it appears that there is no one in the said territories other than the Administrator General, entitled to apply to a Court competent jurisdiction for letters of administration of the estate of the deceased, letters of administration shall, on the application to such Court of any Consular Officer of such State be granted to such Consular Officer on such terms and conditions as the Court may, subject to the following rules, think fit to impose, namely:—

- I. Where the deceased has not left in India any known heirs or testamentary executors, by him appointed, the local authorities, if any, in possession of the property of the deceased, shall at once communicate the circumstances to the nearest Consular Officer of the State of which the deceased was a subject in order that the necessary information may be immediately forwarded to persons interested.
- II. Such Consular Officer shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent heirs or creditors of the deceased until they are otherwise represented.

### SCHEDULE.

1. Afghanistan.
2. Argentine.
3. Czechoslovakia.
4. Denmark.
5. Iran.
6. Iraq.
7. Poland.
8. United State of America.

[No. F. 14(3)/62-J.]

G. H. RAJADHYAKSHA, Addl. Secy.

## MINISTRY OF EDUCATION

*New Delhi, the 30th December 1965*

**S.O. 97.**—In exercise of the powers conferred by Section 13 of the Hindi Sahitya Sammelan Act, 1962 (13 of 1962), the Central Government hereby specifies a further period of six months from the date of expiry of the period mentioned in the notification of the Government of India in the Ministry of Education S.O. 2455, dated the 26th July, 1965, as the period within which the first Governing Body shall arrange to hold elections to the Governing Body in accordance with the provisions of the rules made under section 12 and take such further steps as may be necessary for its due constitution within the period specified above.

[No. F. 19-55/62-H.1.]

N. S. BHATNAGAR, Under Secy.



## शिक्षा मंत्रालय

नई दिल्ली, 30 दिसम्बर 1965

एस० ओ० 98.—हिन्दी साहित्य सम्मेलन अधिनियम, 1962 (1962 का 13) की धारा 13 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, शिक्षा मंत्रालय, भारत सरकार की अधिसूचना का० आ० 2455 तारीख 26 जुलाई, 1965 में वर्णित कालावधि के अवसान की तारीख से छः मास की अपर कालावधि को ऐसी कालावधि के रूप में एतद्द्वारा उल्लिखित करती है जिस के अन्दर प्रथम शासी निकाय धारा 12 के अधीन बनाये गये नियमों के उपबन्धों के अनुसार शासी निकाय के लिए निर्वाचन करने के वास्ते प्रबन्ध करेगा और ऐसे अपर उपाय करेगा जैसे अपर उल्लिखित कालावधि के अन्दर उसके सम्यक् गठन के लिए आवश्यक हैं।

[सं० एफ० 19-55/62-एच० 1]

निरंकार स्वरूप भटनागर,

अवर सचिव।

*New Delhi, the 1st January 1966*

S.O. 99.—Whereas by the notification of the Government of India in the Ministry of Education No. S.O. 2824, dated the 3rd September, 1965, the Central Government gave notice of its intention to declare the ancient monument specified in the Schedule below to be of national importance.

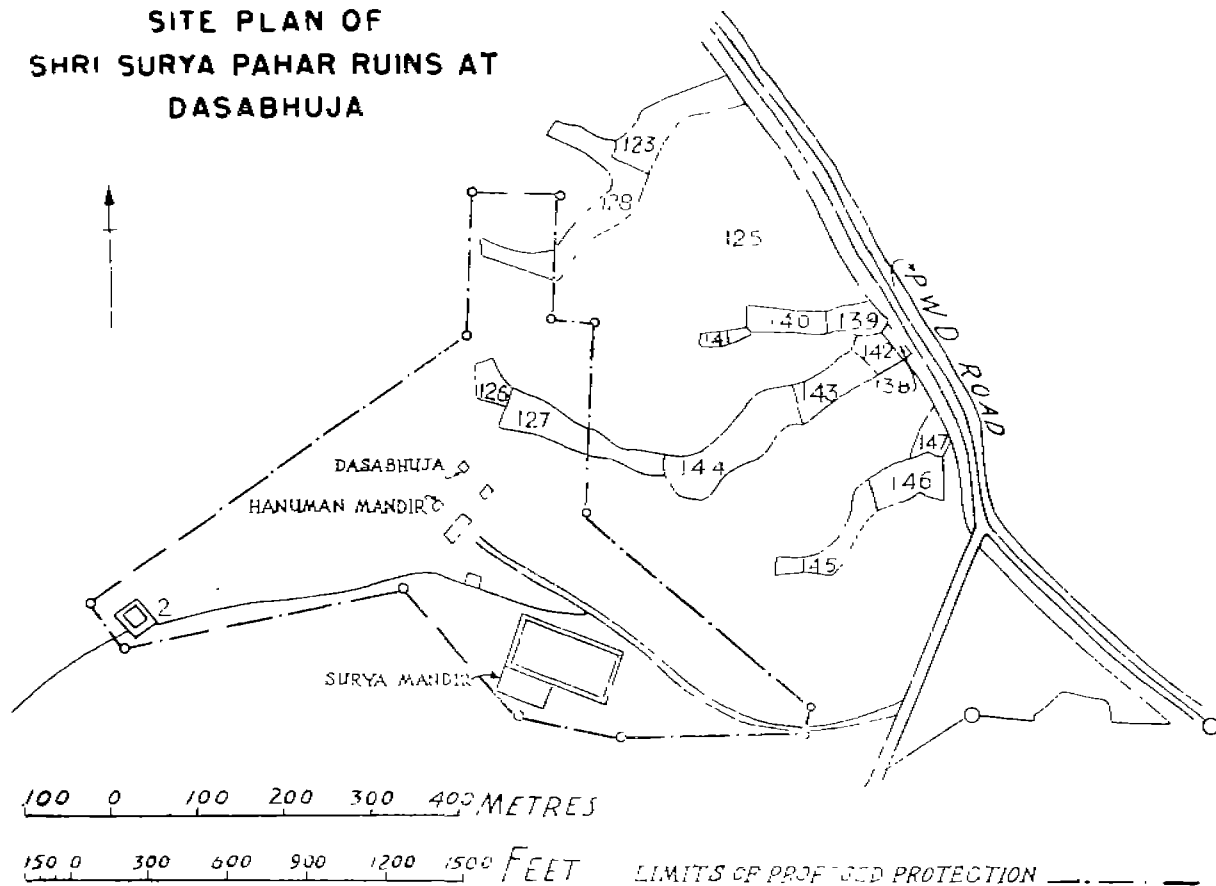
And whereas no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said ancient monument to be of national importance.

## THE SCHEDULE

Serial No.	State	District	Tehsil/ Tahuk	Locality	Name of monument	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
	Assam	Goalpara	Matra	Dasabhuga Devasthan	Shri Surya Pakar Ruins together with adjacent land comprised in survey plot No. 126 and part of Survey plot Nos. 125, 127 and 128	Survey plot No 126 and part of survey plot Nos. 125, 127 and 128 as shown in the plan re- duced below.	138 Bighas 3 Kathas and 12 Lassas	North : Remai- ning portion of survey plot No. 125  East : Remai- ning portion of survey plot No. 125, 127 and 128 South : Remai- ning portion of survey plot No. 125 West : Remai- ning portion of survey plot No. 125	Government except survey plot No. 127 which is priva- te property	Under Worship

# SITE PLAN OF SHRI SURYA PAHAR RUINS AT DASABHUJA



[No. F. 4-15/65.C.1.]  
SHARDA  
Asstt. Educational Adviser.

**MINISTRY OF HEALTH***New Delhi, the 29th December 1965*

**S.O. 100.**—In pursuance of the provisions of clause (xvi) of sub-section (2) of section 5 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government hereby nominates Shri K. Narayanaswamy, Government Analyst, Madras, to be a member of the Drugs Technical Advisory Board vice Shri K. R. Srinivasan, retired, and makes the following amendment in the notification of the Government of India in the Ministry of Health No. F. 4-13/64-D, dated the 18th November, 1965, namely:—

In the said notification, under the heading "Nominated under clause (xvi) of sub-section (2) of section 5", in item 1, for the entry "Shri K. R. Srinivasan", the entry "Shri K. Narayanaswamy" shall be substituted.

[No. F. 4-13/64-D.]

AMAR NATH VARMA, Under Secy.

*New Delhi, the 30th December 1965*

**S.O. 101.**—Whereas Dr. Radha Govind Panigrahi, M.B.B.S. (Andhra University), Professor of Social and Preventive Medicine, S.C.B. Medical College, Cuttack has been elected as a member of the Medical Council of India under clause (c) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) with effect from the 6th August, 1965.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health No. F. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Elected under clause (c) of sub-section (1) of section 3" for the entry against serial No. 8, the following entry shall be substituted, namely:—

"Dr. Radha Govind Panigrahi, M.B.B.S. (Andhra University), Professor of Social and Preventive Medicine, S.C.B. Medical College, Cuttack".

[No. F. 4-25/65-MPT.]

P. C. ARORA, Under Secy

**DEPARTMENT OF COMMUNICATIONS****(P. & T. Board)***New Delhi, the 23rd December 1965*

**S.O. 102.**—In exercise of the powers conferred by Section 21 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the I.P.O. Rules, 1933, namely:—

1. These rules may be called the Indian Post Office (Fifth Amendment) Rules, 1965.

2. In rule 10A of the Indian Post Office Rules, 1933 for the existing Explanation (ii) the following shall be substituted, namely:—

"(ii) Letter cards of private manufacture, with perforated margins, suitably folded after gumming one side and fastening the other two sides with not more than two bits of gummed tape or other fasteners in such a manner as to permit without removing the fasteners, necessary examination of the letter card, may be transmitted by post, provided the letter cards conform in other respects to the specifications mentioned in this rule".

[No. 3/4/65-CL.]

*New Delhi, the 29th December 1965*

**S.O. 103.**—In exercise of the powers conferred by section 32 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

1. These rules may be called the Indian Post Office (Sixth Amendment) Rules, 1965.
2. In rule 83-A of the Indian Post Office Rules, 1933, for the words "gold coin or bullion", the words "Government currency notes, bank notes, gold coin, bullion or any combination of these", shall be substituted.

[No. 11/3/65-CL.]

A. V. SESHANNA,  
Director Postal Technical.

## MINISTRY OF LABOUR & EMPLOYMENT

*New Delhi, the 29th December 1965*

**S.O. 104.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Murulidih Colliery of Messrs Bengal Coal Company and Messrs Kalyanji Mavji and Company Managing Contractors of Murulidih Colliery, on the one hand, and their workmen on the other hand, which was received by the Central Government on the 27th December, 1965.

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

In the matter of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947.

REFERENCE No. 84 of 1963.

#### **PARTIES:**

Employers in relation to the Murulidih Colliery of M/s. Bengal Coal Co., Ltd., and the Managing Contractors, M/s. Kalyanji Mavji and Co.

AND

The workmen of the colliery, represented by the Hindusthan Khan Mazdoor Sangh, P.O. Mohuda, District Dhanbad.

#### **PRESENT:**

Shri Raj Kishore Prasad, M.A., B.L.,—*Presiding Officer.*

#### **APPEARANCES:**

*For the Employers.*—None.

*For the Workmen.*—None.

**STATE:** Bihar.

**INDUSTRY:** Coal.

*Camp: Ranchi, the 21st December, 1965*

### AWARD

By its Order No. 1/18/63-LR. II dated 21st October, 1963, the Government of India, Ministry of Labour and Employment, referred under Section 10(1)(d) of the Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the Murulidih Colliery of Messrs Bengal Coal Company and Messrs Kalyanji Mavji and Company, managing contractors of the Murulidih Colliery, on the one hand, and their workmen on the other hand in respect of the

matters specified in the Schedule annexed to the reference, which is reproduced below:

#### SCHEDULE

"Whether the transfer ordered by Messrs Kalyanji Mavji and Company of the following workmen from Murulidih Colliery to South Samla Colliery and consequent stoppage from work of these workmen in Murulidih Colliery is justified. If not, to what relief are the workmen entitled.

1. Sri Rajak Sao, Stone dusting mazdoor.
2. Sri Kurban Sao, Stone dusting mazdoor.
3. Sri Akbar Mian, Stone dusting mazdoor.
4. Sri Raj Bahadur, Line Mazdoor.
5. Sri Bhutu Mahato, Timber Mazdoor.
6. Sri Nidhiram Mahato, Timber Mazdoor.
7. Sri Makbul Shaw, Timber Mazdoor.
8. Sri Moti Rajewar, Timber Mazdoor.
9. Sri Sher Mohammad, Timber Mazdoor.
10. Sri Gokul Gope, Line Mistry.
11. Sri Laru Gope, Line Mazdoor.
12. Sri Guzar Mahato, Line Mistry.
13. Sri Jogi Mahato, Line Mazdoor.
14. Sri Sri Gulzar Shaw, Line Mazdoor.
15. Sri Shermohammad Shaw, Timber Mazdoor.
16. Sri Kamiruddin Shaw, Fire Fighting Mazdoor.
17. Sri Abdul Kadir Shaw, Fire Fighting Mazdoor.
18. Sri Mali Mahato, Timber Mazdoor.
19. Sri Moti Rajwar, Timber Mazdoor."

2. This case was adjourned from time to time at the instance of both the parties to enable them to settle amicably their dispute although the case was a part-heard one. Ultimately the parties did compromise for which the credit goes to the parties.

3. On 17th December, 1965, both the parties filed a joint petition of compromise at Dhanbad embodying the terms of their agreement, signed by Shri S. V. Achariar, General Secretary, Hindusthan Khan Mazdoor Sangh on behalf of the workmen concerned and by Sarvashri D. Narsingh, Advocate, S. S. Kapoor, Labour Advisor for M/s. Kalyanji Mavji and Company and U. R. Paul, Labour Relations Officer for M/s. Bengal Coal Company, Limited on behalf of the companies concerned and the said compromise was forwarded to me at Patna for recording the compromise.

4. As a result of the compromise the management agreed to put back the eight workmen mentioned in Para 1 of the terms of settlement in their former jobs with continuity of service and the period of unemployment will be treated as leave without wages and accordingly the said eight concerned workmen were re-instated with effect from 3rd December, 1965, and they resumed their duties on that date. According to the compromise the union did not press the case of the remaining workmen mentioned in the Schedule reproduced in Para 1 above and as such the workmen had no further claim in respect of the present dispute against either of the Companies and both the parties agreed to bear the cost of this proceeding and prayed that an award in terms of the said compromise be passed.

5. I have read the terms of the compromise and, in my opinion, they appear to be fair and reasonable and in the interest of both the parties and, therefore, I accept the compromise and record the same and pass an award in terms thereof. The Compromise is marked Annexure 'A'.

6. The reference is accordingly answered in terms of the compromise dated 16th December, 1965, Annexure 'A' and an award in terms of this compromise is passed Annexure 'A' prayed for by both the parties and the said compromise Annexure 'A' will form a part of the said award.

7. This is the award which I make and submit to the Central Government under Section 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,  
Presiding Officer.

ANNEXURE 'A'

BEFORE THE HON'BLE PRESIDING OFFICER,  
THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 84 of 1963

BETWEEN

Employers in relation to the Murulidih Colliery of M/s. Bengal Coal Company Limited and the Managing Contractors, M/s. Kalyanji Mavji and Company.

AND

The workmen of the colliery, represented by the Hindusthan Khan Mazdoor Sangh, P.O. Mohuaia, District Dhanbad.

*Terms of Settlement*

All the parties, herein concerned, most respectfully beg to submit as under without prejudice to their respective contentions:—

1. As a result of actual negotiations between the General Secretary of the Hindusthan Khan Mazdoor Sangh, hereinafter referred to as the Sangh and M/s. Kalyanji Mavji and Company, the latter had agreed to put back the following eight (8) workmen herein concerned in their former jobs with continuity of service and on the consideration that the period of their unemployment would be treated as leave without wages:—

Sl. No.	Name of workmen	Designation	Sl. No. of the Schedule
1	Sri Bhutu Mahato	Timber Mazdoor	5
2	Sri Bidhi Ram Mahato	Timber Mazdoor	6
3	Sri Makbul Saw	Timber Mazdoor	7
4	Sri Gokul Gope	Line Mistry	10
5	Sri Laru Gope	Line Mazdoor	11
6	Sri Guzar Mahato	Line Mistry	12
7	Sri Jogi Mahato	Line Mazdoor	13
8	Sri Mali Mahato	Timber Mazdoor	18

2. The said Company has accordingly reinstated the said eight (8) workmen with effect from 3rd December, 1965, the workmen having resumed their duties on that date.

3. The Sangh does not press the case of the remaining workmen mentioned in the Schedule to the present order of Reference, dated 21st October, 1963.

4. The workmen have no further claim in the present dispute against either of the Companies herein concerned.

5. The parties shall bear their own costs of these proceedings.

6. It is most respectfully prayed that this Hon'ble Tribunal may be graciously pleased to give its award in terms aforesaid.

1. (Sd.) D. NARSINGH, Advocate.  
16-12-1965

2. (Sd.) S. S. KAPOOR, Labour Adviser,  
16-12-1965.

For M/s. Kalyanji Mavji & Company.

1. (Sd.) D. NARSINGH, Advocate.  
16-12-1965.

2. (Sd.) U. R. PAUL, Labour Relations  
Officer  
16-12-1965.

For M/s. Bengal Coal Company.  
Limited.

(Sd.) S. V. ACHARIAR,  
16-12-65

General Secretary,  
Mindusthan Khan Mazdoor Sangh.

[No. 1/18/63-LRII.]

S.O. 105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between employers in relation to the Bombay Stevedores' Association Ltd., Bombay and their workmen which was received by the Central Government on 9th December, 1965.

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE No. CGIT 45 OF 1965

Employers in relation to the Bombay Stevedores' Association Ltd., Bombay,

AND

Their Workmen.

## PRESENT:

Shri Salim M. Merchant.—*Presiding Officer.*

*For the employers.*—Shri C. K. Vyas, Secretary, Administrative Body, Bombay Stevedores' Association Ltd., Bombay.

*For the workmen.*—Shri S. R. Kulkarni, Secretary, and Shri R. A. Pandit, Assistant Secretary, Transport and Dock Workers' Union, Bombay.

*Dated at Bombay this 6th day of December, 1965.*

INDUSTRY: Major Port.

STATE: Maharashtra.

## AWARD

1. The Central Government, by the Ministry of Labour and Employment's Order No. 28/58/65/LRIV dated 9th July, 1965, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the subject-matters specified in the following schedule to the said Order, to me for adjudication:—

## SCHEDULE

"1. Whether the denial of sick leave to Shri S. R. Pandey, a clerk in the office of the Labour Officer, by the Administrative Body of the Bombay Stevedores' Association Ltd., Bombay, is justified?

2. If not, to what relief is the said employee entitled?"



2. After the parties had filed their written statements, at the hearing of this dispute on 24th November, 1965, after considerable discussion, the parties agreed to the following terms of settlement:—

"Parties are agreed that Shri S. R. Pandey shall be treated as on paid-sick leave for the period of 12 days from the 31st July, 1964 to 11th August 1964 (both days inclusive), and on leave without pay from 12th August, 1964 to 23rd August, 1964, (both days inclusive). No other action will be taken by the management against Shri S. R. Pandey with regard to his absence from 31st July, 1964 to 23rd August, 1964."

3. As I am satisfied that the above settlement is fair and reasonable, I make an award in terms thereof.

4. No order as to costs.

Sd./- SALIM M. MERCHANT,  
Presiding Officer.

[No. 28/58/65-LRIV.]

**S.O. 106.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Messrs Vinsons, Bombay and their workmen which was received by the Central Government on the 9th December, 1965.

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE No. CGIT 52 OF 1965

Employers in relation to Messrs Vinsons, Bombay,

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant,—Presiding Officer.

APPEARANCES:

*For the employers.*—Shri K. M. Jamadar, Labour Adviser, with Shri Vishandas S. Vazirani, Partner, and Shri K. H. Nawani, Accountant.

*For the workmen.*—Shri S. R. Kulkarni, Secretary, with Shri R. A. Pandit, Assistant Secretary, Transport and Dock Workers' Union, Bombay.

*Dated at Bombay, this 6th day of December, 1965*

INDUSTRY: Major Port.

STATE: Maharashtra.

## AWARD

1. The Central Government, by the Ministry of Labour and Employment's Order No. 28/71/65-LRIV dated 11th August, 1965, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the subject matters specified in the following schedule to the said Order, to me for adjudication:—

## SCHEDULE

"Whether the management of Messrs Vinsons, Bombay, is justified in dismissing Shri Rambali, permanent peon? If not, to what relief is he entitled?"

2. After the parties had filed their written statements, at the adjourned hearing of this dispute on 4th December, 1965, after some discussion, the parties recorded the following settlement:—

"By consent, upon Shri Rambali undertaking to give an apology in writing to the management for the incident on 21st May, 1965, it is

agreed that he will be reinstated in service on 6th December, 1965, in his former post of peon with benefit of continuity of service, and the period from 22nd May, 1965 to 5th December, 1965, will be treated as period of leave without pay. The Company further agrees to make an *ex-gratia* payment of Rs. 200 to Shri Rambali, which shall be paid to him on 6th December, 1965."

I may state that the letter of apology in terms settled at the hearing was signed and handed over by Shri Rambali to the management

3. As I am satisfied that the terms of settlement are, in the facts and circumstances of the case, fair and reasonable, I make an Award in terms recorded above.

4. No order as to costs.

Sd./- SALIM M. MERCHANT,  
Presiding Officer.

[No. 28/71/65-LRIV.]

New Delhi, the 30th December 1965

**S.O. 107.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Lucknow in the industrial dispute between M/s. S. S. Light Railway Company Limited, Calcutta and their workmen which was received by the Central Government on the 20th December, 1965.

# BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL), LUCKNOW

## PRESENT:

Sri J. K. Tandon, Presiding Officer.

CENTRAL CASES NOS. 5 AND 8 OF 1964

In the matter of an industrial dispute between the concern known as M/s. S. S. Light Railway Co. Ltd., Calcutta and their workmen.

## APPEARANCES:

### For the employers:

- (1) Sri A. Chakravarti, Assistant Personnel Officer of the Company.
- (2) Sri Yogeshwar Prasad, Advocate, Supreme Court.
- (3) Sri Niren De, Additional Solicitor General of India.

### For the workmen:

- (1) Sri Y. D. Sharma, Vice-president, S. S. Railway Workers' Union, Delhi.
- (2) Sri Baljeet Singh Sharma, General Secretary, S. S. Railway Workers' Union, 4309, Gali Bahuji, Pahari Dhiraj, Delhi-6.

INDUSTRY: Railway.

DISTRICT: Saharanpur.

Dated December 6, 1965

## AWARD

[Central Case No. 5 of 1964 was referred for adjudication *vide* Ministry's Order No. 2/13/64/LRIV, dated 13th July, 1964, and Central Case No. 8 of 1964 was referred *vide* Ministry's Order No. 2/14/64/LRIV, dated 27th August, 1964 under Section 10(1) of the Industrial Disputes Act, 1947 (Act No. XIV of 1947).]

There are three cases arising from the same controversy raging between the management of M/s. S. S. Light Railway Co., on the one hand, and the workers employed therein, on the other. Two of them are References under Section 10 of the Industrial Disputes Act, 1947 while the third is an application under the same Act but under Sub-section (1) of Section 33 seeking permission of the Tribunal to effect certain alterations in the employees' conditions of service. The present award will primarily be concerned with the disposal of the same matters of dispute referred for adjudication in Adjudication Case No. 5 of 1964

and No. 8 of 1964 which are References under Section 10 of the Industrial Disputes Act, 1947. It may be necessary in their connection to discuss questions which otherwise would be relevant for the decision of the application for permission also under Sub-section (1) of Section 33 of the Act. A separate order, however, will need to be recorded in the case under Sub-section (1) of Section 33.

2. The following facts shall be necessary for a clearer understanding of the points in controversy—Cost of living allowance, as we know, has since the last world war, become a feature of the emoluments allowed to employees in different sectors. It is this part of the emoluments which constitutes the subject-matter of controversy in all these proceedings. There have been several cases concerning the said allowance at different periods between the employers and the employees. One of these was commenced and decided under the Defence of India Act, 1939. It has been referred to in the present proceedings as Shakoor Award. The law as it stood in those days did not, unlike as at present, provide for an automatic enforcement of awards. In those days an award after it had been submitted to Government, and the Government had agreed to give effect to it, required to be enforced etc. through and in the shape of an order under Rule 81-A of the Defence of India Rules. While giving effect to an award it was further necessary to include a direction in the same order fixing the period during which it would remain in force.

3. Shakoor Award was thus given effect to by Government of India Order dated 3rd August, 1944 which included the following provision also as regards "its life and durability." One relevant provision of this order was that the administration of the S. S. Light Railway Co. shall allow Dearness Allowance to its employees with effect from April 1, 1944 according to the same scale as applicable from time to time to the employees of the then Northwestern Railway. Northwestern Railway was a State Railway in those days. As a result the employees of the S. S. Light Railway Co. started getting Dearness Allowance on the scale applicable to employees of State Railways.

4. The management of S. S. Light Railway Co. (hereinafter in the Award referred to as the "management") never felt satisfied with this conclusion, accordingly one notices that the particular question was subject of more than one award, the last being an award by myself (hereinafter described as "Tandon Award") dated March 22, 1963 in Adj. Case No. 2 of 1962 (S.S. Light Railway Co. Ltd. Vs. its employees, published on Pages 1095 to 1105 of Government of India Gazette, Extraordinary, dated April 16, 1963. The subject-matter of adjudication in Tandon Award was framed thus:—

"Whether the existing rates of Dearness Allowance paid to the employees of the S. S. Light Railway Co. Ltd., are adequate? If not, to what extent these should be enhanced?"

It will be necessary later during discussion to refer at some length to this award, but presently I might refer to the following portion alone thereof. —

"It would appear ..... that the employees of S. S. Light Railway have, ever since Abdul Shakoor Award, been treated at par with the employees on the State Railways. Not only this, the parties also have throughout understood to be governed in that matter by those terms. In the above background whatever might have been its origin the term acquired the status of a condition of service of those employees."

With the above observation the "Tandon Award" allowed to the employees an increase of Rs. 12 per month by which amount their Dearness Allowance fell short of a similar allowance allowed to employees of the State Railways. ,

5. Tandon Award was published in the Gazette of India, dated April 6, 1963. And by virtue of Sub-section (1) of Section 17-A it became enforceable on the expiry of 30 days from April 6, 1963; that it, is, with effect on and from 6th May, 1963. Sub-section (3) of Section 19 of the Act provides that an Award shall remain in operation for a period of one year from the date on which it becomes enforceable. Thus Tandon Award remained in operation up to and inclusive of 5th May, 1964.

6. It appeared that the employers who were not satisfied with the said award or by the burden it imposed upon them approached the Hon'ble Supreme Court through a petition for Special Leave to Appeal but they were unsuccessful. In the end Tandon Award remained intact and held the field during the whole of the period of its operation.

7. There is no difficulty so far, but on 3rd March, 1964 the management served a notice, copy whereof is Ex. E-3, on the General Secretary of S. S. Railway Workers' Union as under:—

"Pursuant to the provisions of Section 19(6) of the Industrial Disputes Act, 1947, we hereby give you notice of our intention to terminate the award dated 23rd March, 1963.....(reference is to Tandon Award), relating to the industrial dispute between the employers in relation to S. S. Light Railway Co. Ltd. and their workmen..... Please note that after the expiry of 6th May, 1964 we will treat the said award as terminated, and as such no longer binding upon us."

Thereafter on 27th April, 1964 the Secretary of the Union issued a notice, Ex. W-7, to the General Manager, Martin's Light Railways, as also to the Superintendent, S. S. Light Railway Company giving a strike notice under Sub-section (1) of Section 22. Apparently the workers' above notice to proceed on strike with effect from 21st May, 1964 was to counter the move of the management, as initiated by the latter in their notice of termination of the Award. Being a public utility service a legal obligation rested on the Union to give appropriate notice of strike in accordance with Section 22 of the Act.

8. The next fact or rather the development with which we shall be interested is the notice dated 1st May, 1964 by the General Manager of S. S. Light Railway Co. whereby the said Manager notified to all concerned that the management wanted to effect with effect from June 1, 1964 changes in the conditions of service applicable to workmen concerning Dearfood Allowance. This notice which is Ex. E-4 incorporated in an Annexure the revised rates of Dearness Allowance which the management intended to apply in future. The revised rates were so framed that even the increase which accrued to the workmen through the Tandon Award was taken away. The notice, Ex. E-4 was indeed a further step to give effect to the decision communicated in Ex. E-3 to terminate Tandon Award.

9. On May 9, 1964 the General Manager of S. S. Light Railway Co. wrote as per Ex. E-12 to the Regional Labour Commissioner, Kanpur intimating that the company would be represented by Sri S. N. Ray in the meeting to be held on 14th May, 1964, in connection with the workmen's claim for an increase in Dearness Allowance. In this letter the attention of the Regional Labour Commissioner was invited to the notice under Section 9-A dated 1st May, 1964, Ex. E-4 re: Company's intention to effect changes in the rates of Dearness Allowance. Copy of this letter was endorsed to the Vice-president also of the S. S. Railway Workers' Union. The management have claimed—the question shall be considered later in this Award—that the above notice, Ex. E-12 was yet another notice under Section 9-A of the Act of its intention to alter the conditions of service. Another fact which has relevance is the notice, Ex. W-9, dated 25th May, 1964 by the workmen. It again was a notice under Section 22 of the Industrial Disputes Act, 1947 giving to the employers information of a threatened strike with effect from 21st June, 1964.

10. It would be noticed from the above enumeration of facts that the employers were on their part pursuing a course thereby to withdraw from the workers the increase that had been given to them by the Tandon Award, the workers in their turn were not only opposing the management's said move, but were demanding further increases which, in the meantime, had been allowed in the Dearfood Allowance payable to employees on the State Railways. These increases were of Rs. 2 from 1st July 1963 and of Rs. 3.50 from 1st February, 1964. An important detail in the same connection is that the workers' claim in respect of these increases was submitted on 20th March, 1964.

11. The only other document to which reference seems necessary at this stage is the Union's letter to the Regional Labour Commissioner, Kanpur dated March 22, 1964, Ex. W-8 wherein the Union complained to him against the action of the management in not allowing Dearness Allowance to the workers in accordance with the Tandon Award. A request was also included in it to start appropriate proceedings for the implementation of the said Award. This letter reached the Labour Commissioner on 27th April, 1964.

12. As might have been noticed the controversy raging between the two sides was, firstly, about the justifiability etc of employers' intention to withdraw the increase allowed by the Tandon Award, and, secondly, about the workers' claim that they were further entitled to the two increases which, since the said award was enforced, had been allowed to the employees on the State Railways. That is, one of Rs. 2.00 with effect from 1st July 1963, and the other of Rs. 3.50 paise with effect from 1st February, 1964, in the cost of living allowance. Ref. No. 5

of 1964 (The dispute referred for adjudication is stated below) covers the second part:

"Whether the existing rates of Dearness Allowance paid to the employees of the S. S. Light Railway Co. are adequate? If not, to what extent and from which date should they be enhanced?"

while Ref. No. 8 of 1964 which is as follows:

"Whether the management of the S. S. Light Railway Co. Ltd. is justified in stopping payment to the workmen of Dearness Allowance as awarded by the Industrial Tribunal, Lucknow in its award dated 23rd March, 1963 (Vide Govt. of India, Ministry of Labour and Employment Notification No. S.O. 999, dated the 27th March 1963) by serving a notice under Section 9-A of the Industrial Disputes Act?

If not, to what relief are the employees entitled?"

is directed against the employers' decision to withdraw the particular increase allowed by the Tandon Award.

13. The workmen founded their claim on the broad allegation that ever since 1944 when Shakur Award was enforced, it has been a confirmed term and condition of service that they shall be awarded the same rates of Dearness Allowance as may, from time to time, be admissible to the employees of the State Railways. In support they are relying on Tandon Award which in their view set the dispute at rest. It is further their contention that the management cannot re-agitate the question which is concluded on the principle of res judicata. In other words, Shakur Award and Tandon Award continue to bind the employers who cannot escape their liability not only with respect to the increase allowed by Tandon Award but also respecting the two increases allowed from 1st July, 1963 and February 1, 1964. They have also challenged the legal validity of the several notices by the management, that is those served under Section 9-A of the Act and those of termination of the said award under Section 19(c). On merits their contention is that the employers are in a position to pay the increases. The maintainability of Ref. No. 8 of 1964 has also been opposed on the ground that Ref. No. 8 of 1964 whose subject-matter was wide enough to include the dispute involved in the former, any fresh reference was not permitted legally.

14. The employers do not accept the workers' above contentions and plead, inter alia, that their financial condition does not permit the payment of Dearness Allowance at the increased rates asked by the workers while they were justified in withdrawing the increase given by Tandon Award and to refuse to give the two increases allowed to employees of the State Railways. They have also challenged that the employees of S. S. Light Railway Co. are by virtue of any term and condition of employment or even otherwise, entitled to the same rates of Dearness Allowance as may be admissible to employees of the State Railway.

15. The pleadings of the parties gave rise to the following additional issues:—

1. (a) Was the notice of termination, dated 3rd March 1964 not a valid and effective notice in law for the reason stated by the workmen?
- (b) Did the said notice legally terminate thereby the Tandon Award?
2. What is the affect, if any, on the validity or the legality of the said notice dated 3rd March, 1964 of the action of the management in continuing to pay the increased Dearness Allowance ordered by the Tandon Award even after the expiry of the date appointed therein? Can the said notice be said for the above reason to have lapsed and faded away? Should the Tandon Award be deemed despite the notice to continue to be binding?
3. (a) Whether the notice dated 1st May 1964 proposing to reduce the cost of living allowance by Rs. 12 with effect from 1st June 1964 was invalid and ineffective for the reason that it was issued at a time when conciliation proceedings on the subject of Dearness Allowance were already the subject-matter of conciliation? Was it necessary for the management to seek the permission of the Conciliation Officer for effecting the change?
- (b) If the above notice is held to be infr notwithstanding, to claim, until other terms of Tandon Award?

workmen entitled,  
as in

- 4 Whether Shakoor Award could be said to continue despite the time limit prescribed therein or the termination of Tandon Award by notice dated 3rd March 1964? Was an independent termination notice necessary in its case? Can the notice dated 30th September, 1964 by which Shakoor Award is claimed to have been terminated a valid legal notice in that direction?
5. If the finding on the foregoing issues is that the Tandon Award or for the matter of that Shakoor Award continued to hold the field, whether the Central Government was competent to refer the subject-matter of Reference by Notification S.O. 2/14/64/LRIV, dated 27th August, 1964 for adjudication afresh? Is it liable to be thrown out on the principle of res judicata?
6. (a) Is Ref. No. 8 of 1964 liable to fail on the ground that its subject-matter is included in the subject-matter covered by Ref. No. 1 of 1964?
- (b) What is the effect on the main liability of Ref. No. 8 of 1964 of the action of the employers in applying to the Tribunal under Section 33(1)?
7. (a) Is the financial condition of the undertaking material in deciding the scheme of Dearness Allowance?
- (b) Whether the financial condition of the undertaking is not such as to bear the burden of (i) the increase in terms of Tandon Award and (ii) in line with the increase given to the employees of State Railways? Will this Tribunal, in the light of the financial condition of the undertaking, find it necessary not to give effect to those terms and conditions? Is it a fit case in which the Tribunal should in its discretion interfere with the terms and conditions of employment of the workmen? If so, to what extent and in what form?

### Findings

#### Issues 1 to 5:

16. The discussion on these issues may with advantage be held simultaneously. Reference will be necessary in the course of discussion to some of the provisions of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), hereinafter referred to as the "Act". Clause (b) of Section 2 of the Act has defined an "award" as an interim or final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Tribunal, and in the case of an arbitration award made under Section 10-A.

17. The above definition was submitted in 1946 by Act XXVI of 1956 in place of the earlier definition which was thus:—

"Award" means an interim or final determination by an Industrial Tribunal of any industrial dispute or of any question relating thereto.

The changes effected in the definition in 1956 are not material in the instant case. I shall not, therefore, devote to them but would simply point out that for our purpose the definition might justly be treated as remaining unaltered by the amending Act of 1956. The next relevant provision is the definition of "Tribunal" contained in Clause (r) of Section 2 of the Act. According to it "Tribunal" means an Industrial Tribunal constituted under Section 7-A.

18. The third provision is Section 9-A which is as follows:—

"9-A.—No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change,—

- (a) without giving to the workmen likely to be affected by such change notice in the prescribed manner of the nature of the change proposed to be effected; or
  - (b) with . . . . . days of giving such notice. . . . .
- is of this Section are not relevant in the present

We then come to Section 19 of the Act which in Sub-section (3) provides as under:—

“(3)—An award shall, subject to the provisions of this Section, remain in operation for a period of one year from the date on which the award becomes enforceable under Section 17-A.

Provided that the appropriate Government reduce the said period and fix such period as it thinks fit:

Provided further that the appropriate Government may, before the expiry of the said period, extend the period of operation by any period not exceeding one year at a time as it thinks fit so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.”

Sub-section (6) of the same Section is:—

“(6) Notwithstanding the expiry of the period of operation under sub-section (3), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.”

In Section 33 the Act lays down that:—

“During the pendency or any conciliation proceedings before a conciliation officer or a Board or of any proceeding before a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall,—

(a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or—

(b) .....  
save with the express permission in writing of the authority before which the proceeding is pending.”

19. A brief reference to Section 29 wherein the Act has made the following provision is too necessary:—

“Any person who commits a breach of any term of any settlement or award, which is binding on him under this Act, shall be punishable with imprisonment for a term which may extend to six months etc.....”

An outstanding feature of the above Section is that the breach or contravention is of an award *which is binding* on the person under the provisions of the Act. The penal provision is attracted where there is a breach of an award which is *binding*.

20. It might be stressed just at this stage that the legislature has while laying down the affect of an award used two distinct words. One of these as would appear in Sub-section (3) of Section 19, is the fact of its operation which is statutorily fixed, namely, the period of one year from the date it becomes enforceable under Section 17-A. Section 17-A enjoins that an award shall become enforceable on the expiry of 30 days from the date of its publication under Section 17. By publication is meant the publication of the award in the Gazette. Sub-section 6 of Section 19, unlike Sub-section (3) speaks about the binding affect of the award on the parties. The opening words of the Sub-section are:—

“Notwithstanding the expiry of the period of operation under Sub-section (3).....”

21. These necessarily connote that the “operation” referred to in sub-section (3) is not the same thing as the “binding affect” enacted in Sub-section (6). What is implied in sub-section (6) is that “the operation” of an award ends at “Binding affect” on the parties are not co-terminous hence a term “binding affect” on the operation comes to an end, the binding affect too fades away. And in view of the Sub-section the award, notwithstanding the expiry of the period of operation, continues to be binding until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

22. To turn now to examine the pleas urged by one or the other party it would be found that on 31d March 1964 the management served a notice, Ex. E-3 on the General Secretary of the S. S. Railway Workers Union intimating its intention to

terminate the award dated 23rd March 1963, that is Tandon Award. Stress was also laid during arguments on para. 2 of this notice which declared the management's intention to treat the above award as terminated after the expiry of 6th May 1964. May 6, 1964 was chosen for the reason that Tandon Award was published in the Gazette on 6th April, 1963, while the statutory period of operation of one year expired on 6th May 1964. On 1st May 1964 the management issued another notice to the Union, Ex. E-4 (this was founded by the management under Section 9-A of the Act) notifying that with effect on and from 1st June 1964 the rate of Dearness Allowance shall in supersession of what had been allowed by Tandon Award be at the rates therein (in the notice itself) mentioned. We are aware that four days earlier, that is, on April 27, 1964 prior to the receipt of notice, Ex. E-4 the Union also had issued a notice, Ex. W-7,—its copies were delivered to the General Manager, Martins Light Railways, the Superintendent, S. S. Railway Co. and to the Regional Labour Commissioner—threatening to strike with effect from 21st May 1964. S. S. Light Railway Co. being a public undertaking, a strike notice was necessary.

23. Relying on sub-section (1) of Section 33 the workmen have contended that the notice, Ex. E-4 having been given during the continuance of conciliation proceedings was invalid since the matter in regard to which the notice had been given was already the subject-matter of dispute before Conciliation Board. The second contention which is with regard to the notice dated 3rd March, 1963, Ex. E-3, challenging the validity of that notice proceeds in this manner, namely, that an award cannot be terminated until after the expiry of the period of operation. Since the above notice was issued before 6th May, 1964, on which date alone the period of one year came to an end, its legal validity is disputed.

24. Before proceeding to examine the above contentions a few other facts about which there is no controversy might be noticed. On May 9, 1964 the General Manager of Martins Light Railway which system includes S. S. Light Railway Co. also addressed in Ex. E-12 the Regional Labour Commissioner Kanpur in reply to a certain communication sent by him that Sri S. N. Rav. Deputy Chief Personnel Officer of Martins Light Railway would represent the employers at the joint meeting to be held on 14th May, 1964. This meeting was expected to discuss the question of Dearfood Allowance and of any increase therein. In para. 2 of this letter the General Manager invited reference to the earlier notice dated 1st May 1964 under Section 9-A which, as we know, was the management's intention to withdraw the increase given by the Tandon Award. As the endorsement in Ex. E-12 discloses, a copy of the above letter with the statement attached thereto was forwarded to the S. S. Railway Workers' Union also with reference to their letter dated 20th March, 1964. It has been suggested, a point which will be for our consideration later, that whatever objection might be urged against the notice dated 1st May 1964, Ex. E-4, since Ex. E-12 was in any case sent to the Union after 6th May 1964, that is at a time when the period of operation of Tandon Award had expired, the objection against the validity of Ex. E-4 on the ground that it was sent during the operation of the Tandon Award lost importance. The workmen can in any case rely for this purpose on Ex. E-12.

25. Another document which might be referred to is notice dated 30th September 1964, Ex. E-6 by the General Manager, Martins Light Railways to the General Secretary, S. S. Railway Workers Union. By this document the management re-iterated their intention and decision as previously also notified in the notice dated 3rd March 1964, Ex. E-3 and further the intention to change the conditions of service as notified in notice, Ex. E-4 dated 1st May 1964. A further feature which came up for consideration in the case was that the above notice, Ex. E-6 while terminating the Tandon Award also terminated, if such course was necessary, the Shakoor Award also. It at the same time, referring to the notice, Ex. E-4 pointed out that since an industrial dispute was already before this Tribunal on 30th September 1964 in connection with Dearfood Allowance and an application also had been made by the management under Sub-section (1) of Section 33 for the permission of the Tribunal to effect a change in the conditions of service, as proposed in notice, Ex. E-4, the management had finally decided to give effect to the altered rate of Dearfood Allowance proposed in Ex. E-4 with the termination of the award in the instant case. In the result, therefore, the management, even though it proposed to alter the rates of Dearfood Allowance as proposed in Ex. E-4 from June 1, 1964 has not done so this far. As a matter of fact their learned Counsel, Sri Niren De has assured the Tribunal that the management would continue to pay Rs. 12 awarded by Tandon Award till the award in these proceedings is published. The position as it emerges is that despite the notices, Exs. E-3 and E-4, the workmen are continuing to get the Dearfood Allowance awarded to them by the Tandon Award.



26. Referring to the above, it was suggested at one stage by the learned counsel for the management that the application under Sub-section (1) of Section 33 seeking the Tribunal's permission to effect the change in the rates of Dearfood Allowance and so also Ref. No. 8 of 1964, which is confined to the question of withdrawal by the management of the Dearfood Allowance of Rs. 12 awarded by Tandon Award had been rendered unnecessary. To an extent this is not without reason. The subject-matter of Ref. No. 5 of 1964 is sufficiently wide to include questions which should be material in disposing of the above two proceedings. All those questions which can arise in the proceedings last referred to will inevitably be covered and decided in this case. But still the Tribunal does not feel relieved of its responsibility to dispose of these proceedings as well.

27. I may now proceed to examine the different contentions by the parties. The scheme of Section 9-A, Section 17-A Sub-sections (3) and (6) of Section 19 and of Section 29 of the Act clearly envisages two distinct aspects of an award by a Labour Court or Industrial Tribunal etc. These aspects are:—

- (i) the enforceability or rather the period of operation of the award; and
- (ii) the termination of the award itself.

There is another aspect which also pertinently belongs to an award laying down the terms and conditions of service of workmen. It is this last feature which as shall be hereafter discussed has material bearing on this case.

28. Section 17-A provides that an award becomes enforceable on the expiry of 30 days from the date of its publication under Section 17. Sub-section (3) of Section 19 says that "subject to the provisions of that Section, namely Section 19, it shall remain in operation for a period of one year. Section 19 in the two proviso beneath sub-section (3) allows the appropriate Government to reduce or extend the period of operation of the award in suitable cases. Initially, however, a period of one year is provided for the operation of an award. Sub-section (6) of Section 19 which speaks about the binding affect of the award begins with the words "notwithstanding the expiry of the period of operation under Sub-section (3)".

29. Little doubt can exist in the face of the above provision in Sub-section (6) that the operation of an award is not the same thing as its binding affect. Section 29 in providing penalty for breach of settlement or award does not refer to its operation, but to the binding affect alone. Thus it is clear that operation of an award is not the same thing as its binding affect. The two are different aspects belonging to an award. By laying down the period of operation the legislature has conferred on the award a statutory supremacy on the employer-employee relationship in matters decided therein. It is not open to any party to get away from the award during the whole of the period of operation. For the same reason the legislature thought it proper to confer on the appropriate government power to extend or cut down the period of operation where the circumstances so justified. The appropriate Government alone has been conferred the authority to cut down or enlarge the period of operation, hence the operational affect also of the award

30. It is not that during the period of operation the award is not binding also. It is so. And as is fully demonstrated by the language of Sub-section (6) of Section 19 it continues to be binding on the parties even after the expiry of the period of operation. During the period of operation there are certain rights and obligations and the mode for their enforcement which the party entitled can pursue. When the period of operation is over, these rights lapse, but the award continues to be binding. For so long as it continues to be binding—its binding effect can be terminated by a two months' notice as provided in Sub-section (6) of Section 19—any person committing a breach of any of its terms is liable to punishment under Section 29 of the Act.

31. The question that has been canvassed on behalf of the workmen is that neither the notice contemplated by Section 9-A nor that provided in Sub-section (6) of Section 19 can be issued or served during the period of operation of the award. A notice issued before the expiry—in this case the period of 12 months from April 6, 1963 expired on May 5, 1964—was a notice which according to the view urged on behalf of the workmen is not a notice in the eyes of law.

32. I have carefully considered the contentions put forth by the learned representative. I do not, however, find any justification for them either in Section 9-A or in Section 19 or, for the matter of that, in Sub-section (1) of Section 33 or in any other section of the Act. Section 9-A merely requires that an employer who proposes to effect any change in the conditions of service applicable to a workman in respect of any matter specified in the Fourth Schedule of the Act

shall not effect the change without giving to the workman likely to be affected thereby a notice in the prescribed manner. The step to be followed is, therefore, indicated in it. But no restriction exists that the required notice cannot be given during the enforcement or the operation of an award or during any period after it. Sub-section (1) of Section 33 too, when placing the restriction in the matter of effecting alteration in the conditions of service applicable to workmen, does not prohibit giving of the notice provided in Section 9-A during the pendency of the appropriate proceeding. Moreover unlike Section 9-A which speaks of proposal to effect changes in the conditions of service, the above sub-section has enacted in the matter of actually effecting an alteration. Under its provision the utmost that one might contend is that an alteration in the conditions of service shall not be effected so as to take effect also during the pendency of the proceedings.

33. In view of the fact that the management have in Ex. E-16 and otherwise also at the hearing of these cases unequivocally said that the alterations which they proposed to give effect shall be done so only after the award is made, this Tribunal have terminated, any different suggestion in Ex. E-4 loses its importance. The position as at present is that the notice, Ex. E-4 proposed to change the conditions of service, but the proposed change has not been effected so far. By virtue of Ex. E-6 the change will take effect only after these cases have been decided. I do not, under the circumstances, see how the notice under Section 9-A proposing to effect a change in the conditions of service is invalid.

34. Here I might mention that the employers have also relied on their notice, Ex. E-12 which is dated May 9, 1964. It was issued three days after the period of operation of the award was over. Their contention is that whatever might be the fate of the earlier notices, this particular notice which clearly conveyed the intention to change the terms and conditions in regard to Dearfood Allowance was a valid notice. I do not think it is permissible to enlist the support of this notice while judging the validity of the notice, Ex. E-4. It was contended in the case of Ex. E-12 that the same was not in the form prescribed under the Act. It will need to be judged independently of it as I have already held that it was not invalid. The Rules framed under the Act do provide a form for a notice under Section 9-A. In order, however, to judge the validity or sufficiency of the notice, it is indeed not the form but substance which matters. A perusal of Ex. E-12 would convince that it did substantially fulfil the requirements of the notice as prescribed in the Act and in the rules also. The workmen and so the employers were fully aware of the stand of one another in the matter of Dearfood Allowance. They knew that the workers were insistent on demanding the Dearfood Allowance awarded by Tandon Award which the management in its turn was eager to withdraw and had further superseded the term and condition relating to Dearfood Allowance by the rates they proposed to introduce. There was sufficient compliance of law.

35. In view of what has been said above I am unable to hold that a notice as required by Section 9-A had not been given, or that the notice, Ex. E-4, or for the matter of Ex. E-12 were invalid.

36. While dealing with the question of termination of Tandon Award by notice, Ex. E-3 dated March 3, 1963 and later by notice Ex. E-6, dated 30th September 1964, one of the arguments adduced on behalf of the workmen has been that mere termination of Tandon Award was insufficient for the purposes of relieving the management from liability to abide by the condition, namely, that the employees of S.S. Light Railway Co. were in the matter of Dearfood Allowance entitled thereto to the same extent as employees on the State Railways. In their view it was further necessary to terminate Shakoor Award by which this condition was introduced in the relationship of employer and employee. A copy of Shakoor Award is on record. The dispute referred for adjudication in that case was done so under Rule 81-A of the Defence of India Rules by order dated June 6, 1944. On 3rd August, 1944 after the award had been recorded, the Central Government in exercise of the powers conferred by Clauses (b), (d) and (e) of Sub-rule (1) of Rule 81-A enforced that award, or rather its decisions. According to the law as then in force, unlike the provisions in the present Act, an award required to be enforced etc by a separate order under Rule 81-A, as was done also in the case of Shakoor Award. While promulgating the above Order enforcing the award the Central Government further provided in Clause IV thereof that the particular order, namely, the Order by which it was enforced, shall remain in force for a period of six months in the first instance, and if no notice in writing to terminate is given by the administration to or by the employees during the continuance of World War II. The award, including its operation and binding effect, was, in the presence of the above provision in the Order, conferred a limited life. Its

duration could not travel beyond the continuance of World War II. On the conclusion of World War II—and this happened in 1946—the Order including the award came to an end by force of law and elapse of time. There was no necessity to terminate it by any separate or independent act or proceeding.

37. Moreover Shakoor Award could not be and indeed was not an award as defined in the Industrial Disputes Act 1947. Not having been pronounced by a Tribunal constituted under the said Act it would not be correct to drag the provisions of the Act which may properly be applicable to an award pronounced under the Act for judging its continued binding affect etc.

38. Turning now to Tandon Award, once again I am unable to agree with the contention for the workers that simply because Tandon Award in one sense confirmed the continued application of a certain condition upheld by Shakoor Award both the awards required to be and should have been terminated. In other words they argue that unless Shakoor Award was also terminated simultaneously there could be no termination of Tandon Award either. I do not see any support for this contention either in sub-section (6) of Section 19 or in any other Section of the Act. I do not also agree with the contention that notice or termination cannot be given earlier than the expiry of the period of operation. Neither Section 19 (6) nor Section 17-A in making provision for the enforcement of the award contemplates any such condition. What sub-section (6) of Section 19 has enjoined is that notwithstanding the expiry of the period of enforcement the award shall continue to be binding on the parties thereto until the expiry of two months' notice. This means that two months' notice ought to be given to terminate the award. When it should be given and whether it can be given prior to the expiry of the period of operation is nowhere laid down in it. As I see a notice of termination can be given even during the period of enforceability. The only condition is that the termination itself cannot be earlier than the period of operation which is statutorily assured.

39. The third aspect of an award to which I had referred earlier is the affect which it leaves on the employer-employee relationship, or rather the terms and conditions of service between the management on the one hand and the workmen on the other. The employers' contention is that with the expiry of the period of operation and with the termination of the award itself the award recedes and fades away in all its aspects from the employer and employee relationship. If the employer continues even afterwards to allow those terms and conditions to the workmen, it is not because the workmen are so entitled but merely as a gesture of goodwill and concession by the employer.

40. When an award disposes of an industrial dispute, it does so as a result of an enquiry judicially held and concluded. The term or condition allowed by the award is as a result of the decision, unless the award is as a result of the decision, unless the award itself provides otherwise, incorporated in the contract of employment. Besides the result of a dispute judicially determined it inhales in it an element of finality. It enters into the contract through a judicial process which essentially recognises and places a seal of finality in the determination. Neither the fact of operation of the award nor its binding affect, which are different concepts with specified legal rights and obligations as contained in the Act, have much to do with the continued existence of the term and condition itself in the employer-employee relationship. It exists, or rather acquires a place in that relationship by the fact of being a judicial determination of what was claimed by one party and denied to him by the other. In this view of the matter neither the fact of termination of Tandon Award nor the expiry of the period of enforcement has removed the particular term and condition of service from the employer-employee relationship of the parties, namely, the finding that the employees of S S Light Railway Co are in the matter of Dearfood Allowance to be governed by the same terms as employees of the State Railways continue to be one of their terms of service. It is still there, notwithstanding the termination of the awards or the expiry of the period of operation.

41. A few more points remain to be answered. One of these is the affect of the payment by the employer of the increase of Rs. 12 allowed by Tandon Award on the validity of the award. On 3rd March 1964. The workers thought that once their demand continued to pay the said amount, the notice was waived and superseded. I do not think this will be correct, but it does not seem necessary either to decide this controversy. The reason is that the dispute as contained in Ref. No. 5 of 1954 covers the whole field as to the adequacy of Dearfood Allowance.

42. The next point though raised in the pleadings but not urged at the argument was that Ref. No. 8 of 1964 was incompetent because of the earlier Ref. No. 5 of 1964. Ref. No. 8 of 1964 is confined to the increase of Rs. 12 allowed by Tandon Award while the subject-matter in Ref. No. 5 of 1964 covers, as stated above, the question of adequacy as a whole of that allowance. It may be that while discussing the subject-matter in Ref. No. 5 of 1964 the issue referred in Ref. No. 8 of 1964 will need consideration, but the subject-matter in Ref. No. 8 of 1964 is narrower and based on its own facts. Under the circumstances I am unable to uphold how Ref. No. 8 of 1964 was incompetent. It is another thing to say that this Reference was unnecessary in the face of Ref. No. 5 of 1964, but to contend that it was incompetent will not be right.

43. The third point is with regard to the effect of the application under Sub-section (1) of Section 33 on the maintainability of Ref. No. 8 of 1964. It is unnecessary to go into this controversy in view of what I have said above regarding the scope and ambit of the subject-matter in Ref. No. 5 of 1964.

*Issues No.*

44. While discussing the above issues it will be fruitful to keep in view the several Awards given from time to time in a series of cases concerning Dear Food Allowance fought between the parties. The earliest is Sakoor Award enforced in 1944. The next is what has been described as Krishna Murti Award made on 20th September 1958. I need not to refer to all others but may usefully refer to what has been termed as Tandon Award dated March 22, 1963. Sakoor Award and Tandon Award were particularly on the question of Dear Food Allowance payable to the workers of S. S. Light Railway and arose as a sequel to changes affected in the similar allowances paid to employees of State Railways. Krishna Murti Award of September 20, 1958 covered several demands by the workmen. The precise controversy decided in Sakoor Award and again in Tandon Award was not before Sri Krishna Murti still the question of Dear Food Allowance in some of its aspects was in discussion before him. The material portion of Krishna Murti Award, to which attention has been invited, is where in discussing issue No. 7 at Page 2131 of Government of India Gazette dated November 1, 1958 the Presiding Officer stated:

"It is admitted that Dear Food Allowance is paid in this Railway (reference was to S. S. Light Railway) according to the system prevailing on the Indian Railways".

45. I should have thought it necessary to quote from the other two awards also in order to show that the controversy decided in them, but this did not seem necessary since it was substantially conceded at the arguments—at least in the case of the Tandon Award—that the claim of the workmen to receive Dear Food Allowance at the rates admissible to employees of State Railways was upheld in them. The matter of dispute referred for Adjudication in Tandon Award was almost the same as now in Reference No. 5/64. In the latter, it has been split into two parts nevertheless the points involved are the same, namely, (1) whether the existing rates of Dear Food Allowance, i.e. the rates prevailing in July 1964 were inadequate and (2) if they were inadequate to what extent they needed to be enhanced?

46. Another feature, if I may describe it so, about these References is that the Reference resulting in the Tandon Award arose due to an increase in the Dear Food Allowance granted to the employees of State Railways but not conceded by the Management of the S. S. Light Railways to its employees. The instant Reference also has originated in similar circumstances. The employees of State Railways have received two increments since the making of the Tandon Award: they are (1) with effect from 1st July 1963 at the rate of Rs. 2.00 per month and the other is from 1st February 1964 at Rs. 3.50 per month. The Management of the S. S. Light Railways has not allowed these increases to their employees. The workers therefore are claiming the same which, their contention is followed in their case too by reason of the condition of service, namely, the Dear Food Allowance payable to them shall be at par with that payable to employees of State Railways.

47. While considering the evidence including material reflecting on the financial resources, the economic condition of the Undertaking and other relevant circumstances relied upon by the Management, the above details will be relevant in deciding the correct approach to be adopted. But a further fact which may be mentioned is that since the above two increases were allowed, some more increases have been allowed to the employees of State Railways which, however, are not

the subject-matter either of the claim urged here by the workmen or for the matter of that of the dispute referred for Adjudication. Yet another fact which has attracted considerable attention by the Management though opposed by the workmen, is the relevancy of the economic condition of the undertaking for the purposes of determining the claim for Dear Food Allowance to be paid to the latter. The learned representative for the workmen has argued that Dear Food Allowance is a device whereby the level of the wage allowed at any particular time is sought to be maintained, because the price level has gone up through the allowing of the said allowance. He has thus distinguished it from a demand for an increase in wage rates otherwise admissible. He has also referred to the aspect that Dear Food Allowance usually does not neutralize to the full extent the rise in prices but does so to an extent only. Thus with every rise in prices there is, despite the cost of living allowance, a fall in total wage packet looked at in terms of real wage.

48. The Management, on the other hand, contended that the prices, if they go up, do adversely affect the purchasing capacity of the wage packet, in other words its real value, still the economic condition of the Undertaking which has to bear the extra bill for any increases in the wage packet deserved equally important consideration. If the resources are unable to bear the further burden, an increase in the Dear Food Allowance should be refused.

49. I do not think it is necessary for deciding the instant case to express any final verdict whether for or against the prepositions urged by the two parties. And the reason is that if it is one of the conditions or term of service that the Dear Food Allowance payable to employees of S. S. Light Railways shall be in line with that allowed to employees of State Railways, the exact question for answer is whether a case for what may be called frantic action to interfere with the workers conditions of service has been made out. One further consideration which again may properly weigh is that the wage rates allowed so far in our country are far below a living wage or even a fair wage. Put differently should the Tribunal permit interference with a condition designed to maintain and that again to an extent only the true wage of a worker. Cost of Living Allowance is but a device for restoring the true wage level. It does not award any further emoluments to a worker but helps in restoring the original level. Industrial adjudication has in certain extreme cases allowed interference with conditions of contract but this is done to relieve a party from a patent hardship or unfair advantage reaped by it on account of its superior bargaining power and each case will depend on its own facts. A Tribunal will hesitate and very rightly except where there are some compelling reasons to do so to interfere with a condition which only assures to the workman his true wage. There must be some really compelling conditions which if not met or cared for are likely to endanger the continuance of the undertaking; in other words, defeat employment. While judging the evidence and the contentions etc., placed by the employers this aspect will require its due consideration.

50. The financial condition or rather economic prospects of S. S. Light Railway have been the subject of discussion in several cases fought between the parties. This railway is one of the five Light Railways operated and managed by M/s. Martin Burn & Co. Ltd., Calcutta. They are all under a common General Manager with a joint Head Office at Calcutta. S. S. Light Railway has a Superintendent also whose office is located at Saharanpur but the remaining railways are controlled and governed by the Head Office directly. The Head Office functions on a joint basis. Each unit or rather the railway nevertheless makes a contribution on percentage scale towards the Head Office expenses and this is done by the particular railway out of its own earnings. In the case of the S. S. Light Railway this contribution is 48 per cent of the total expenses of the Head Office.

51. The learned representative for the workers has spent some time in attacking this arrangement and has further argued that the contribution by the S. S. Light Railway is out of proportion and is very excessive. To support his argument he has also pointed out that the Superintendent whose office is located at Saharanpur actually manages this Railway system and there is very little left thereafter for the Head Office to do in the matter. Since the other railways have no separate Superintendent the argument has further been that the Head Office devotes a far larger time in looking after the affairs of those railways than in the case of S. S. Light Railway.

52. It seems that the contribution at the rate of 48 per cent towards the Head Office expenses has been in force for quite a long time. The exact period may not be available on the material before the Tribunal but there is no dispute that

it has been there for many many years. Another fact deserving notice is that compared to the remaining railways S. S. Light Railway is the largest system. Naturally therefore its problems must be comparatively many and great, while the work-load too must be comparatively heavier. The fact itself that a Superintendent also works in this system is a reason to think that the work-load of this unit would indeed be comparatively bigger. I do not think the workmen can justifiably support on the mere basis of higher percentage that the Management have been guilty of wasting money when they can affect economies to finance the Wage Bill of the workers.

53. It was also contended on behalf of the workers that the Head Office staff was in receipt of high and fat salary which consumed a substantial portion of the earnings. In his view if there is any financial difficulty the Management ought to cut down the expenses of the Head Office rather than use it as a shield against any claim by the workers, at least in the present case. It is difficult without the necessary material being before me, to hold how far the workers' grievance about the high salaries to Head Office staff is justified. Moreover it does not seem necessary to determine for the purposes of deciding the workers' instant claim which to my mind deserves to be judged on a very different footing. What they have asked is that they are, according to their term and conditions of employment, entitled to the two increases, namely (1) of Rs. 200 per month with effect from 1st July 1963 and (2) of Rs. 350 from 1st February 1964 as have been allowed to the employees of the State Railways. The crucial point, as shall be discussed later, is whether a case has been made out for interference by the Tribunal in the said term of employment by refusing to give them the two increases even though their term and condition of employment entitled them the same.

54. The workers have blamed the Management of diverting their resources in other directions also to the prejudice of the workmen and thus paint a dark picture about the company's financial condition. The Balance-sheet including the Profit and Loss Account for the last few years do show that the Undertaking is not in a prosperous condition subsequent to 1956-57. One of the reasons assigned is that with the making of a Pucka road connecting Saharanpur with Delhi—this road runs along with the route of this railway—there has been a very appreciable fall in traffic with consequent loss in earnings. Another reason assigned is high cost of maintenance and running expenses. The Management is not prepared to accept this, namely, that they are increasingly diverting their resources towards meeting replacement expenses etc; as a matter of fact its claim is that the Locomotives, the rolling stock and other fixtures have in many cases over run their normal life needing immediate replacement which, however, could not be provided during the last many years due to persistent losses.

55. The Company has indeed been in difficulty as its Profit and Loss Account disclosed during the last eight years or so. Its adjusted gross earnings in 1956-57 were of the tune of Rs. 44,87,020 and the net earnings for that year were in the vicinity of Rs. 9,51,000. In the following year the adjusted gross earnings fell approximately by rupees four and a half lacs to Rs. 40,57,979, the net earnings too fell considerably to Rs. 2,73,368. Still both these years showed a profit but from 1958-59 the picture took an adverse turn. There was a steep fall in the earnings during that year and the process with slight variations in figures continued up to 1961-62. The Profit and Loss Account for the years 1958-59 and for subsequent years too right up to 1964-65 continuously showed losses.

56. Referring to the figures for these years it has been urged that in the first place losses year after year compelled the Management to postpone its programme of replacements and renewals which had now become very urgent and pressing. Next it was argued that the Company has exhausted its resources and was already depending on borrowings for the conduct of its affairs. The figures for 1963-64 and 1964-65 have recorded a tendency towards betterment and for the current year they are still better, the budgeted gross earning being in the vicinity of Rs. 44,00,000. Still the contention is that the increases noticed during this period are wholly insufficient to meet the working and other expenses while leave no balance to enable any return to the Share-holders. The Management have submitted various figures to show that their salary bills and bill for running expenses and interest charges are already very high compared to their earnings, therefore, any increase in the salary was bound to hit very harshly on the economic position of the Undertaking.

57. In my view the economic condition of the Undertaking, though a material factor, is not the complete answer to the workers' instant claim. I am prepared to admit on the basis of the Balance-sheet, the Profit and Loss account and the other figures furnished by the Management for the last eight years that the Company is indeed in an unhappy situation as respects its economics. It has been

suffering losses during this period. For that reason it was perhaps unable also to provide also sufficiently for renewals and replacement. There were no dividends too to the Share-holders. There may be no immediate prospects also for this gloom ending soon. All the same, when dealing with a claim as the present this alone would not serve the answer. Their claim is for payment of Dear Food Allowance which, under the terms of their employment as determined by different awards, has to be on the same lines as admissible to employees of State Railways. The purpose of Cost of Living Allowance is to counter-balance to an extent the real wage promised to a worker. Though any rise in the Cost of Living Allowance would show an addition in terms of number of rupees to the wage packet, there is actually no increase therein. With the rise in prices the true value of the wage has fallen and Cost of Living Allowance simply compensates that fall in value. It is too well known that the Cost of Living Allowance does not, in fact it has not done so in the case of State Railways Employees also, counterbalance to the full extent the fall in the true values of the wage. It does and has done so to an extent only. It demonstrates yet another reason against interference with any term relating thereto.

58. Again the consideration must not be overlooked that the wage presently allowed to the workmen generally in our country—the case here is not different—is subsistence plus. It is not even a fair wage in the sense understood in Industrial Relation. Yet another factor which too cannot be excluded from consideration is that the prices of essential commodities have shot up tremendously since 1963-64 when the two increases asked by the workmen were granted. By refusing to give the two increases granted to their counterparts in State Railways would cause them immense hardship.

59. Workers have led evidence to show that owing to the high Cost of Living they are unable to meet their day to day expenses within the limits of their meagre emoluments. They have incurred debts and have been living on borrowings. While it is difficult to judge how far the borrowings made by any individual worker have been due to the high cost of living, the fact cannot be brushed aside that the value of their wage has dwindled considerably and necessities of life cannot be met in the majority of cases. No wonder, therefore, that they have to depend sometimes on borrowings to meet their immediate demands.

60. The crucial thing to consider is whether the economic condition of the Undertaking is such that a frantic action, namely, the cutting down further of the already meagre wage-packet of the workmen is but the alternative to save the situation and the Undertaking.

61. Tribunals have some times interfered with contracts but they would refuse to do so unless there are some really strong, dominant and compelling reasons with no alternative otherwise to save the situation. From the material before me I am unable to come to the conclusion that the present is a case of that nature. The Tribunal would like to be convinced before hand that all other avenues of economy as well as of increasing the revenue have been explored and have failed. And that unless the increases asked are refused unemployment would be forced. Railway is a public utility service. Fare rates and freights are regulated by the Railway Board which, there is no reason to think, would not sanction increases in them if the over all consideration etc., justified. It would not be right also to conclude that there was no further scope despite the increasing economy and the prosperity of the area through which the Railway operated that the company's revenue would remain static. There are actually reason to hope that results would be better in future. The budgetted figures for the current year are themselves proof of some improvement at least in future.

62. I deem it necessary to mention that the parties, particularly the employers placed a number of statements and figures in order to show that the financial condition of the Undertaking had deteriorated considerably while there were several demands on its resources which the Management could not ignore in the interest of efficient working. While I will not reject that the Undertaking is in need of large scale replacement, renewals etc., and further that the Undertaking is not in a position immediately to provide fully, therefore, the employee's claim, which is, for Cost of Living Allowance will have to be placed on a superior plain. This has to be so for the reasons stated above. It is in this context and with this approach that I have avoided a detailed discussion of the various figures.

63. Therefore, the conclusion to which I have reached is that the workmen are entitled to the two increases; one of Rs. 2 per month with effect from 1st July 1963 and the second of Rs. 3.50 P. per month from 1st February 1964 in the Cost of Living Allowance and the same should be paid to them from the respective

dates. I award accordingly. I further award the workmen will be further entitled to the increase allowed to them by the Tandon Award.

64. A copy of the above award shall be placed on the record of the two References No. 5/64 and No. 8/64.

65. The employers shall further pay to the workers a consolidated amount of Rs. 500 (Five hundred) in respect of Costs in the two cases.

(Sd.) J. K. TANDON,  
Presiding Officer.

[No. 2/13/64-LRIV.]

### ORDERS

*New Delhi, the 29th December 1965*

**S.O. 108.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company, Limited, Kothagudium Collieries, Andhra Pradesh, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Mohammad Najmuddin as the Presiding Officer, with Headquarters at Hyderabad, and refers the said dispute for adjudication to the said Tribunal.

### SCHEDULE

Considering the profits made by the Singareni Collieries Company Limited, Kothagudium during the periods from 1st January, 1962 to 31st March, 1963 and from 1st April, 1963 to 31st March, 1964, whether the demand by the Singareni Collieries Workers' Union, Kothagudium and Andhra Pradesh Colliery Mazdoor Sangh, Kothagudium for profit sharing bonus to workmen of Kothagudium and Belampalli groups of Collieries of Singareni Collieries Company Limited, in addition to the quarterly Bonus, is justified. If so, to what extent are the workmen eligible for profit sharing bonus?

... [No. 7/28/65-LRII.]

*New Delhi, the 30th December 1965*

**S.O. 109.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ramnagar Colliery, Post Office Ramnagar Colliery, District Shahdol (Madhya Pradesh) and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

### SCHEDULE

Whether the following workmen of Ramnagar Colliery of Vindhya Collieries Private Limited are entitled to Lay-off compensation for the 6th March, 1965:—

1. Shri Shamboo Singh
2. Shri Ajmer Singh
3. Shri Ramcharan
4. Shri Ramsunder
5. Shri Mahipal

} Trammers



6. Shri Vansgopal	}	Miners
7. Shri Nandlal		
8. Shri Vansbahaduer		
9. Shri Budhsen		
10. Shri Vaiga		
11. Shri Ralkoo		
12. Shri Jagat Ram		
13. Shri Bahadur		
14. Shri Balram		
15. Shri Shivrajan		
16. Shri Ramgarib		
17. Shri Gobind		
18. Shri Bahadur		
19. Shri Tamurali		
20. Shri Ramvishal		
21. Shri Choteylal		
22. Shri Sukhdev s/o Samaliya		
23. Shri Choteylal s/o Narhar		
24. Shri Sukhdeo		
25. Shri Birsingh		
26. Shri Ramadhin		
27. Shri Dadi		
28. Shri Mahipal		
29. Shri Bishnath		
30. Shri Manohar		
31. Shri Maniram		
32. Shri Kanahi		
33. Shri Thella		
34. Shri Chiraiya		
35. Shri Ramai		
36. Shri Ramsai		
37. Shri Moharsai		

2. If so, to what relief are they entitled?

[No. 5/30/65-LRII.]

**S.O. 110.**—Whereas the employers in relation to the Radhamadhavpur Colliery of Messrs Ghusick and Muslia Collieries Limited, Post Office Kalipahar, District Burdwan and their workmen represented by the Colliery Mazdoor Sabha, G. T. Road, Asansol, have jointly applied to the Central Government for reference to a Tribunal of an industrial dispute that exists between them in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas, the Central Government is satisfied that the said Colliery Mazdoor Sabha, Asansol represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bhanbad, constituted under section 7A of the said Act.

#### SCHEDULE.

Whether the stoppage of work and issue of retrenchment notice to Shri Balaswar Singh, Timber Mistry of Radhamadhavpur Colliery was justified? If not, to what relief is he entitled?

[No. 8/77/65-LRII-A-I.]

**S.O. 112.**—Whereas the employers in relation to Radhamadhavpur Colliery of Messrs Ghusick and Muslia Collieries Limited, Post Office Kalipahari, District Burdwan and their workmen represented by the Colliery Mazdoor Sabha, G.T. Road, Asansol, have jointly applied to the Central Government for reference to a Tribunal of an industrial dispute that exists between them in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas, the Central Government is satisfied that the said Colliery Mazdoor Sabha, Asansol represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE.

Whether the retrenchment of Shri Ramsudarsan Dusad, Timber Mazdoor, Shri Ramnagina Shaw, Timber Mistry and Shri Bakhori Ram, Timber Mazdoor of Radhamadhavpur Colliery was justified? If not, to what relief are they entitled?

[No. 8/77/65-LRII-A-II.]

*New Delhi, the 31st December 1965*

**S.O. 113.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Khas Kusunda Colliery of Messrs Khas Kusunda Coal Company (Private) Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE.

(1) Whether the dismissal of Sarvashri K. B. Singh and Sundar Shyam, Ex-overmen of Khas Kusunda Colliery, Post Office Kusunda (District Dhanbad) with effect from 12th September 1965, by the management of Khas Kusunda Coal Company (Private) Limited, Khas Kusunda Colliery, Post Office Kusunda (District Dhanbad) was an act of victimisation for trade union activities?

(2) If so, to what relief are the workmen entitled?

[No. 2/134/65-LRII.]

**S.O. 114.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Korba Colliery of the National Coal Development Corporation Limited, Post Office Korba (District Bilaspur—Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

## SCHEDULE

- (1) Whether the dismissal of Shri A. K. Mukherjee, Dumper Operator, by the management of Korba Colliery of the National Coal Development Corporation Limited, with effect from 4th November, 1964 was an act of victimisation?

- (2) If so, to what relief is the workman entitled?

[No. 5/24/65-LRII.]

*New Delhi, the 3rd January 1966*

**S.O. 115.**—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the National and Grindlays Bank Ltd. and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

## SCHEDULE

- (1) (a) Whether the management of the National and Grindlays Bank Ltd. are justified in appointing Shri Ved Ram, peon as Daftry in their Karolbagh Branch ignoring the claims of Sarvashri Sher Singh and Ram Ugra.

- (b) If not to what relief Sarvashri Sher Singh and Ram Ugra entitled?

- (2) (a) Whether the management of the National and Grindlays Bank Ltd. are justified in not appointing a daftry in their Bara Hindu Rao Branch?

- (b) If not, whether the vacancy in the said branch should be filled up by appointing the senior most peon?

- (c) If the said vacancy should be filled up by appointing the senior most peon who should be appointed and from which date?

[No. 51(55)/65-LRIV.]

S. A. SESHAN, Under Secy.

*New Delhi, the 1st January 1966*

**S.O. 116.**—The following draft of a notification, which the Central Government proposes to make in exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 31st January, 1966.

Any objection or suggestions which may be received from any person in respect of the said draft before the date so specified will be considered by the Central Government.

*Draft Notification*

In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby directs that the provisions of sections 13 and 14 of the said Act shall not apply to the employees working in vessels, shore stations and survey parties under the Calcutta Port Commissioners in view of the fact that special regulations have been framed in respect of these employees for regulating their service conditions, for a further period of one year from the date of this notification.

2. The exemption granted in paragraph 1 above is subject to the following conditions:—

- (i) the Port Commissioners shall publish the said regulations in a pamphlet form in the English language and in the language or languages understood by the majority of the employees;
- (ii) before making any amendment to the aforesaid regulations, the Port Commissioners shall inform employees concerned by notice, to be put up on the board, the proposed amendment and shall consider any suggestions that may be made thereto within 20 days of such notice; and
- (iii) a copy of the pamphlet referred to in clause (1) and a copy of every amendment thereto shall be supplied to each employee concerned.

[No. LWI(I)8(4)/65.]

O. P. TALWAR, Under Secy.

### ORDERS

*New Delhi, the 27th December 1965*

**S.O. 117.**—Whereas an application has been made by the Bombay Exchange Banks' Association on behalf of the establishments, carrying on operation concerning a banking Company mentioned in the Schedule below for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965 (No. 21 of 1965) for the payment of bonus to the employees of the said establishments, for the accounting year ended on the 31st December, 1964;

And whereas Chief Labour Commissioner is satisfied that the reasons are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65 dated the 28th August, 1965 I, Teja Singh Sahni, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishments to 12 (twelve) months from the close of the accounting year ended on the 31st December, 1964;

### THE SCHEDULE

1. Algemene Bank Nederland, N.V. 18-A, Brabourne Road, P.O. Box No. 2156, Calcutta-1.
2. American Express Co., Inc., Oriental Building, 364, Dr. D. N. Road, Flora Fountain, P.O. Box 507, Bombay-1.
3. The Bank of Tokyo Ltd., 2 Brabourne Road, Calcutta-1.
4. The Chartered Bank, P.O. Box No. 40, 4, Netaji Subhas Road, Calcutta-1.
5. Comptoir National D'Escompte de Paris, French Bank Building, Hornji Street, Fort, Bombay-1.
6. The Eastern Bank Ltd., P.O. Box No. 219, Bombay-1.
7. First National City Bank, 293, Dr. Dadabhai Naoroji Road, P.O. Box No. 175, Fort, Bombay, 1-BR.
8. The Hongkong and Shanghai Banking Corporation, 31, Dalhousie Square, P.O. Box 158, Calcutta-1.
9. Mercantile Bank Ltd., 52/60, Mahatma Gandhi Road, Post Box No. 123, Bombay-1.
10. National and Grindlays Bank Ltd., The Chief Manager (Indian Branches), Post Box No. 306, 29 Netaji Subhas Road, Calcutta-1.

[No. BO-25(3)/4/65.]

**S.O. 118.**—Whereas an application has been made by the establishments carrying on operation concerning any mine other than coal mentioned in the Schedule below for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965 (No. 21 of 1965), for the payment of bonus to the employees of the said establishments, for the accounting year ended on the 31st December, 1964;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the Notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65, dated the 28th August, 1965, I, Teja Singh Sahni, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishments to 12 (twelve) months from the close of the accounting year ended on the 31st December, 1964.

#### THE SCHEDULE.

1. Best Minerals Private Ltd., Giripeth, Nagpur (in respect of Manganese Ore Mines viz. Chargaon, Nagardhan, Parsoda, Satak, G.F. Cho aoli, Manegaon, Bijewada, Chargaon-Kandri, Mansar, Ramdongri, Mandri, G. F. Bawanthari Range, G.F. Sonewani Range, located in the Nagpur, Bhandara & Balaghat Districts.)
2. Rajgon Stone Co. (P) Ltd., 138, Cannoning Street, (Third Floor), Calcutta-1 (Post Box No. 353). (in respect of Lakshmanpur Quarries owned by Maharaja Cossimbazar Stone Works (P) Ltd.)

[No. BO-25(3)/2/65.]

**S.O. 119.**—Whereas an application has been made by the establishments carrying on operation concerning any mine other than coal mentioned in the Schedule below for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965 (No. 21 of 1965), for the payment of bonus to the employees of the said establishments, for the accounting year ended on the 31st March, 1965;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the Notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65, dated the 28th August, 1965, I, Teja Singh Sahni, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishments to 9 (nine) months from the close of the accounting year ended on the 31st March, 1964.

#### THE SCHEDULE.

1. Central Provinces Syndicate Private Ltd., Doly Dale, Byramji Town, Nagpur-1. (in respect of two small manganese mines in Saori & Choukhandi villages, Waraseoni Tahsil.)
2. Jaipur Udvog Limited, P. O. Ram Krishna Lok Sawaimadhopur, W. Rly. (in respect of limestone quarries situated at Philledia.)
3. Rajgon Stone Co. (P) Ltd. 138, Cannoning Street, (Third Floor), Calcutta-1 (Post Box No. 353). (in respect of Gopulpur Quarries owned by Rajgon Stone Co. (P) Ltd.)
4. Sabita Roy, Lyons Range, Calcutta-1. (Post Box No. 2671). (in respect of Jalohuri Iron & Manganese Ore Mines & Param Bahuri Iron Ore Mines.)

[No. BO-25(3)/2/65.]

**S.O. 120.**—Whereas an application has been made by the establishments carrying on operation concerning coal mine mentioned in the Schedule below for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965 (No. 21 of 1965), for the payment of bonus to the employees of the said establishments for the accounting year ended on the 31st December, 1964;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the Notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65, dated the 28th August, 1965 I, Teja Singh Sahni, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishments to 12 (twelve) months from the close of the accounting year ended on the 31st December, 1964.

#### THE SCHEDULE.

- (1) Bera Colliery Company, P. O. Jharia, Distt. (in respect of Bera Colliery.)  
Dhanbad.
- (2) Bonbiddi Colliery, P. O. Salanpur, Distt. (in respect of Bonbiddi Colliery.)  
Burdwan.
- (3) Dhanjee Devjee & Sons, P. O. Jharia, Distt. (in respect of Tisra Colliery.)  
Dhanbad, Bihar.
- (4) Guzdar Kajora Coal Mines Ltd., P. O. Kajoragram, Distt. (in respect of Guzdar Kajora Colliery.)  
Burdwan.
- (5) G. S. Atwal & Co. (Asansol), P. O. Asansol (in respect of 1 & 2/12 Inclines, Kendwadih Colliery & No. 5 Pit, Bararee Colliery.)  
(W. Bengal).
- (6) New Dobary Colliery Co., P. O. Jharia, E.I.R. (in respect of New Dobary Colliery)  
(Dhanbad)
- (7) Pure Golukdih Coal Co., P. O. Jharia, Distt. (in respect of Pure Golukdih Colliery.)  
Dhanbad, Bihar.
- (8) Selected Ghanuadih Colliery Co., P. O. Jharia (in respect of Selected Ghanuadih Colliery.)  
(Dhanbad).

[No. BO-25(3)/1/65-Vol.I.]

**S.O. 121.**—Whereas an application has been made by the establishments carrying on operation concerning coal mine mentioned in the Schedule below for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965 (No. 21 of 1965), for the payment of bonus to the employees of the said establishments, for the accounting year ended on the 31st March, 1965;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the Notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65, dated the 28th August, 1965, I, Teja Singh Sahni, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishments to 9 (nine) months from the close of the accounting year ended on the 31st March, 1965.

#### THE SCHEDULE.

1. Agarwal Godhar Colliery Co., P. O. Kusunda, (in respect of Agarwal Godhar Colliery.)  
E. Rly. (Dhanbad).
2. Associated Laikdih Collieries Ltd., 18, Netaji (in respect of Lower Badjna Colliery &  
Subhas Road, Calcutta-1 (Post Box No. 408). Lower Begunia Colliery.)
3. Associated Karanpura Collieries Ltd., 18, (in respect of Karanpura Colliery.)  
Netaji Subhas Road, Calcutta-1. (Post Box  
No. 408).

4. Central Godhar Colliery Co., P. O. Kusunda, E. Rly., Distt. Dhanbad. (in respect of Central Godhar Colliery.)
5. K. K. Chandra & Bros., Post Box No. 13, Katragarh, Dhanbad, E. Rly. (in respect of Central Baihardi Colliery.)
6. Khas Kalimati Colliery Co., Private Ltd., P.O. Kumardhubi (Dhanbad). (in respect of Khas Kalimati Colliery.)
7. Khas Jharia Dobary Colliery, P. O. Jharia, E. Rly. (Dhanbad). (in respect of Khas Jharia Dobary Colliery.)
8. Nageshwar Coal Company, P. O. Searsole Rajbari, Distt. Burdwan. (in respect of Satgram Colliery.)
9. North Godhar Colliery Co., P. O. Kusunda, E. Rly. Distt. Dhanbad. (in respect of North Godhar Colliery.)
10. Prossono Coomar Datta & Sons, 71A, Netaji Subhas Road, (Room Nos. B-25 & 26) Calcutta (GOOPTU MANSIONS). (in respect of Prossono Datta Kajora Colliery.)
11. Real Kajora Colliery, P. O. Kajoragram, Distt. Burdwan. (in respect of Real Kajora Colliery.)
12. Shree Lakhi Mata Colliery, P. O. Chirkunda (Dhanbad). (in respect of Shree Lakhi Mata Colliery.)
13. S. K. Sinha & Sons Ltd., P. O. Dhansar (Dhanbad). (in respect of New Bansjora Colliery.)
14. Tentulia Khas Collieries Ltd., Thapar House, 25, Barabourne Road, Calcutta-1. (New Tentulia Colliery.)

[No. BO-25(3)/1/65-Vol.III.]

TEJA SINGH SAHNI,  
Chief Labour Commissioner (C).

## MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

*New Delhi, the 23rd December 1965*

**S.O. 122.**—In exercise of the powers conferred by section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, the same having been previously published as required by the said section, namely:—

### COMMITTEE FOR CONTROLLING AND SUPERVISING EXPERIMENTS ON ANIMALS (ADMINISTRATION) RULES, 1965

1. **Short title.**—These rules may be called the Committee for Controlling and Supervising Experiments on Animals (Administration) Rules, 1965.

2. **Definitions.**—In these rules, unless the context otherwise requires—

- (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960),
- (b) "Board" means the Animal Welfare Board established under section 4 of the Act;
- (c) "Chairman" means the Chairman of the Committee nominated under sub-section (2) of the section 15 of the Act;
- (d) "Committee" means the Committee for Controlling and Supervising Experiments on Animals constituted under section 15 of the Act;
- (e) "member" means a member of the Committee; and
- (f) "Secretary" means the Secretary to the Committee.

3. **Headquarters of the Committee.**—The headquarters of the Committee shall be at such place as the Central Government may, after consultation with the Committee, direct.

**4. Term of office of non-official members.**—Subject to the provisions of these rules, the term of office of a non-official member shall be three years from the date he assumes charge of his office.

**5. Resignation.**—(1) A member, other than the Chairman, may by a letter addressed to the Chairman, resign his membership.

(2) The Chairman may resign his membership by a letter addressed to the Secretary to the Government of India, Ministry of Food and Agriculture (Department of Agriculture).

(3) A resignation shall take effect from the date of its acceptance or on the expiry of thirty days from the date of resignation, whichever is earlier.

**6. Removal from the Committee.**—(1) The Central Government may remove from office any member who,—

(a) absents himself from three consecutive meetings of the Committee without the leave of the Committee, or

(b) has been adjudged an insolvent; or

(c) has been convicted of an offence involving moral turpitude; or

(d) has become physically or mentally incapable of acting as such member.

(2) No person shall be removed from office as a member except after being given an opportunity of showing cause against such removal.

**7. Disposal of business.**—(1) All questions which the Committee is required to consider shall be considered either at its meeting or by circulation of papers, as the Chairman may direct.

(2) When a question is referred by circulation of papers, any member may request that the question be considered at a meeting of the Committee and thereupon the Chairman may direct that it be so considered:

Provided that if four or more members make such a request, the Chairman shall direct that it be so considered.

**8. Meetings of the Committee.**—(1) The Committee shall meet not less than twice a year or more often if the Chairman thinks it necessary for transaction of its business.

(2) The meetings shall ordinarily be held at the headquarters of the Committee but the Chairman may, if necessary, fix the venue of the meetings at places other than the headquarters of the Committee.

**9. Annual General Meeting.**—(1) Of the meetings of the Committee held annually, one shall be the annual general meeting.

(2) At the annual general meeting which shall be held before the 28th February each year, the Secretary shall submit the annual report and the yearly accounts of the Committee for the working of the preceding financial year and the budget for the next financial year for the approval of the Committee.

**10. Special meetings.**—(1) The Chairman shall convene a special meeting of the Committee on the written requisition of not less than five members of the Committee.

(2) Any requisition made by the members of the Committee shall specify the object of the meeting proposed to be called and shall be left at the address of the Secretary or posted to his address.

(3) Upon such requisition, the Chairman shall give notice of a meeting to be held within thirty days after the receipt of such requisition.

**11. Form of notice of meetings.**—Every notice calling a meeting of the Committee shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Committee not less than fourteen clear days before the day appointed for the meeting where such meeting is one other than the annual general meeting in which case the period of notice shall be not less than twenty-one days.

**12. Quorum for meetings.**—Five members of the Committee shall form a quorum at every meeting of the Committee:



Provided that at any meeting in which less than five members are present, the Chairman may adjourn the meeting to a date not less than fourteen days later and inform the members present and notify other members that he proposes to dispose of the business at such adjourned meeting irrespective of the number of members attending.

**13. Procedure at meetings.**—(1) If the Chairman is not present at any meeting of the Committee, the members of the Committee shall choose one from among themselves to be the Chairman of the meeting.

(2) In case of difference of opinion amongst the members at the meetings of the Committee, the opinion of the majority shall prevail.

(3) Each member shall have one vote and if there shall be equality of votes on any question to be decided at a meeting of the Committee, the Chairman of the meeting shall have a casting vote.

(4) No business which is not on the agenda shall be considered at any meeting without the permission of the Chairman.

**14. Allowances and remuneration.**—(1) No remuneration shall be paid to any member on account of his services as such.

(2) A member who is not an official shall be entitled to draw in respect of any journey performed for the purpose of attending a meeting of the Committee or of a sub-committee thereof or any other association or society to which he is appointed or nominated as a representative of the Committee or any other journey in connection with the work of the Committee performed under the directions of the Chairman—

(a) Where he is not a Member of Parliament, travelling and daily allowance at rates admissible to a Government servant of the first grade serving under the Central Government;

(b) where he is a Member of Parliament—

(i) travelling or conveyance allowance to recoup any expenditure incurred by him in performing such journey at a rate not exceeding the allowance admissible to a Member of Parliament appointed to a sub-committee set up by the Central Government;

(ii) daily allowance at a rate not exceeding the rate to which a Member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954.

(3) A member who is an official shall be entitled to draw, in the circumstances mentioned under sub-rule (2) travelling and daily allowance in accordance with the travelling allowance rules applicable to him.

(4) Where a person who is not an official or a member is asked by the Chairman to perform any journey for the purpose of attending a meeting of the Committee or of a sub-committee thereof or any other journey in connection with the work of the Committee he shall in respect of such journey be entitled to the payment of travelling or conveyance allowance or daily allowance at the rates specified in sub-rule (2).

**15. Powers of the Committee to appoint sub-committees.**—The Committee may, by resolution, appoint one or more sub-committees from among its members for the discharge of its functions.

**16. Powers of the Committee to co-opt other persons.**—(1) The Committee may co-opt such persons to its sub-committees as it considers necessary and suitable and may permit them to attend the meetings of such sub-committees.

(2) A person co-opted under sub-rule (1) for any purpose shall have the right to take part in the discussions relevant to that purpose, but shall not have the right to vote.

**17. Powers and duties of the Chairman.**—(1) The Chairman shall preside at meetings of the Committee.

(2) The Chairman shall be responsible for the proper functioning of the Committee and the implementation of its decisions and the discharge of its duties under the Act.

## (3) The Chairman shall—

- (a) cause important papers and matters to be presented to the Committee as early as practicable;
- (b) issue directions as to the method of carrying out the decisions of the Committee;
- (c) cause to be maintained an account of the receipt and expenditure of the Committee; and
- (d) cause an annual report of the working of the Committee to be prepared which after being approved at its annual general meeting shall be submitted to the Central Government.

(4) The Chairman shall exercise administrative control over all employees of the Committee.

(5) The Chairman shall exercise such administrative and financial powers as are specified in column 2 of the Schedule annexed to these rules subject to the limits and restrictions specified in the corresponding entries in column 3 thereof.

**18. Powers of the Secretary.**—(1) The Secretary shall work under the general control of the Chairman who may delegate to him all or any of the following powers and duties:—

- (a) convening of meetings of the Committee under the directions of the Chairman;
- (b) drawing up agenda for each meeting under the Chairman's directions and supplying the same to each member of the Committee, along with the notice of the meeting;
- (c) maintenance of minutes of meetings of the Committee;
- (d) furnishing to the Central Government copies of all reports including annual reports and returns and necessary documents required under the Act or the rules made thereunder;
- (e) preparation of the annual budget of the Committee.

(2) The Chairman may, with the permission of the Committee, delegate to the Secretary and other function of the Committee or of the Chairman.

(3) The Secretary shall exercise such administrative and financial powers as are specified in column 2 of the said Schedule subject to the limits and restrictions specified in the corresponding entries in column 4 thereof.

(4) The Secretary shall keep a record of the members and their addresses.

(5) If a member changes his address, he shall notify his new address to the Secretary who shall thereupon enter his new address in the record, but if the member fails to notify his new address, the address on the official record shall for all purposes be deemed to be the member's address.

**19. Preparation and submission of annual budget estimates.**—(1) The budget estimates of the Committee for every financial year beginning with the first day of April and ending on the 31st day of March following shall be prepared in advance by the Secretary.

(2) A copy of the budget estimates so prepared shall be sent to each member.

(3) The Committee shall consider and approve the budget estimates with such changes as it thinks fit at the meeting fixed for the consideration of the budget estimates.

(4) The budget estimates as approved by the Committee shall be submitted to the Central Government for their formal approval before the 31st March or such other date preceding the concerned financial year as the Central Government may fix for the purpose.

(5) Subject to such orders as may be issued by the Central Government from time to time, no expenditure shall be incurred until the budget is sanctioned by the Central Government and the expenditure is authorised by the appropriate authority in the Committee.

**20. Supplementary estimates.**—If, during any financial year, for any reasons, substantial modification in the budget estimates as finally approved by the Central Government are likely to be involved, the Committee shall submit for approval to the Central Government supplementary estimates in such form and on such date as the Central Government may direct.

**21. Investment and withdrawal of moneys.**—(1) The bankers of the Committee shall be the State Bank of India.

(2) All funds of the Committee shall be paid into the Committee's account and shall not be withdrawn except on cheques signed by the Chairman for the purpose and countersigned by the Secretary.

(3) Cheque books shall remain in the personal custody of the Secretary.

**22. Permanent advance.**—There shall be drawn from the bank and kept at the disposal of the Secretary a permanent advance of Rs. 500/- to be recouped as and when required, to meet the petty expenditure of the office of the Committee.

**23. Contracts.**—(1) The draft of every contract involving consideration exceeding Rs. 5000/- shall be submitted to the legal adviser appointed by the Committee for the purpose, for verification as to its legality and the correctness of its form. Such contracts shall be executed only with the prior approval of the Committee or of any of its sub-committees competent for the purpose and shall bear the seal of the Committee.

(2) Neither the Chairman, nor any other member of the Committee nor the Secretary shall be personally liable for any assurance or contract made under this rule; any liability arising under such assurance or contract shall be discharged from out of the money at the disposal of the Committee.

**24. Accounts and Audit.**—(1) The Committee shall maintain proper accounts and other relevant records.

(2) The Accounts of the Committee shall be audited annually by the Comptroller and Auditor General of India or by any person appointed by him in that behalf and any expenses incurred in connection with such audit shall be payable by the Committee to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of accounts of the Committee shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Committee.

(4) The accounts of the Committee, as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

(5) The accounts of receipts shall include a statement of all sums received by the Committee during the financial year which shall be shown under the following heads:—

- (a) money received from the Central and State Governments;
- (b) other moneys received by the Committee;
- (c) interest received from the investment of such moneys.

(6) Total receipts shall be shown under each of the heads specified under sub-rule (5) and the opening balance shall also be stated.

(7) The expenditure incurred during the financial year shall be shown under the following heads:—

- (a) administration of the Committee,
- (b) measures taken in connection with the duties and powers of the Committee under sections 17, 18 and 19 of the Act, each item being shown separately;
- (c) miscellaneous.

(8) The closing balance for the financial year shall be shown at the foot of the accounts on the expenditure side.

25. **Legal advice.**—The Committee shall make its own arrangements to obtain legal advice in respect of contracts or agreements into which it may enter with other parties and other matters, where such advice may be necessary.

26. **Provident Fund.**—The Committee may, with the approval of the Central Government, establish and maintain a contributory provident fund for the benefit of its servants other than servants of the Government whose services may be lent to the Committee and require any of its servants or any class of its servants to subscribe to such fund.

#### THE SCHEDULE

(See rules 17 and 18)

#### *Powers delegated to the Chairman and Secretary of the Committee.*

Serial No.	Power	Limits and restrictions	
		Chairman	Secretary
1	2	3	4
1	(a) To create temporary posts. (for any specified period).	Posts in the scale of pay the maximum of which does not exceed Rs. 900/-.	Posts in the scale of pay maximum of which does not exceed Rs. 575/-.
	(b) To make appointments to sanctioned posts.	Do.	Do.
2	(a) To sanction grant of leave.	Do.	Do.
	(b) To make officiating arrangements.	Do.	Do.
	(c) To sanction annual increments under Fundamental Rule 26.	..	Full powers provided the increment has not already been withheld.
3	To authorise a member or any other person to proceed on work connected with the Committee to any part of India.	Full powers.	..
4	To grant travelling allowances to persons other than members and employees) required to travel in the interest of the Committee.	According to the status of the person but not exceeding amount admissible under the Supplementary Rules of the Government of India.	..
5	To authorise employees of the Committee to proceed on duty to any part of India and to grant them travelling allowance in accordance with the Supplementary Rules of the Government of India.	Secretary	All employees other than Secretary.
6	To countersign pay and travelling allowance bills	Travelling allowance bills of Secretary.	(f) Pay and travelling allowance bills of all employees, except the Secretary

1	2	3	4
			(ii) Travelling allowance bill of:
			(a) Non-Official members.
			(b) Persons other than members and employees who are required to travel in the interests of the Committee.
7	To sanction advances for the purchase of conveyance in accordance with the rules made by the Government of India in that behalf.	Secretary.	All employees except Secretary.
8	To grant concessions to persons proceeding to Pasteur Institute for anti-rabic treatment in accordance with the rules made by Government of India, in that behalf.	Do.	Do.
9	To institute criminal proceedings against employees.	Full powers.	..
10	To sanction premature increments.	Posts in the scale of pay the maximum of which does not exceed Rs. 900/-.	Posts in the scale of pay the maximum of which does not exceed Rs. 575/-.
11	To sanction travelling allowance advances.	..	Full powers.
12	To sanction the grant or acceptance of an honorarium or fee and to sanction the undertaking of work for which an honorarium or fee is sanctioned.	Upto Rs. 1,000 - in any individual case.	Upto Rs. 250/- in any individual case.
		Provided that in the case of honorarium or fee sanctioned to a Government servant the State or the Central Government as the case may be, shall be informed.	
13	To sanction expenditure of miscellaneous or contingent nature.	Maximum Limit Recurring      Non-Miscellaneous recurring Expenditure.      Rs. 5,000 Rs. 1,000/-	Maximum limit. Recurring      Non-Recurring Misc.      Misc. Expenditure      Expenditure Rs. 200 -      Rs. 1,000/- Recurring      Non-Recurring Contingent      Contingent Expenditure      Expenditure Rs. 1,000/-      Rs. 5,000/- per annum      per annum in each case      in each case
14	To write off losses.		
	(a) Irrecoverable losses of stores or of public money.	..	Rs. 1,000/-
	(b) Loss of revenue, irrecoverable loans and advances.	..	Do.
	(j) Deficiencies and depreciation in the value of stores included in the stock and other accounts.	..	Rs. 1,000/-.

1	2	3	4
15	To sanction medical attendance fee and cost of medicines for the servants of the Committee, subject to the rules made by the Committee.	For the Secretary, full powers.	Full powers for other employees.
16	To appoint authorised medical attendants on the panel.	..	Full powers.
17	To declare a servant of the Committee to be administrative servant.	..	Full powers.
18	(a) To retain non-ministerial Government servants in service after the age of 55 and not beyond the age of 60.	Full powers in the case of staff drawing pay in time scale, the maximum of which is over Rs. 575/- and does not exceed Rs. 900/-.	Full powers in the case of staff drawing pay in the scales, the maximum of which does not exceed Rs. 575/-.
	(b) To retain a class IV servant in the service of the Committee after the age of 60 and not beyond the age of 65.	..	Full powers.
19	To retain a ministerial servant of the Committee in service after the age of 55 and not beyond the age of 60.	..	Full powers in the case of drawing pay in the scales the maximum of which does not exceed Rs. 500/- and provided extensions are limited to one year at a time.
20	Power to order destruction of records.	..	Full powers.
21	To order sale by auction or otherwise in the interest of the Committee, of unserviceable stores of perishable articles.	..	Full powers.
22	Power to impose all the penalties.	Full power in the case of the Employees appointed by Chairman.	Full power in the case of the employees appointed by Secretary.
23	Power to make small monthly payments to class IV servants for dusting offices, for doing cyclostyling work, etc., in addition to their own duties.	..	Full powers, provided the payment in each case does not exceed Rs. 15/- p.m.
24	Re-appropriation of funds.	.	Full power to reappropriate funds from one primary unit to another provided that budget is not exceeded thereby.
25	Passing bills for payment of grant-in-aid for schemes already sanctioned by competent authority.	..	Full powers.

1	2	3	4
26	Attesting entries in cash book.	..	Full powers.
27	Checking monthly cash balance.	..	Full powers.
28	Attesting entries in service books.	..	Full powers.
29	To sanction an advance to the servants of the Committee out of contributory provident fund,	(i) Amount exceeding three months' pay of the subscriber.  (ii) Before the expiry of 12 months after the final repayment of all previous advances together with the interest thereon.	Amount not exceeding three months' pay of the subscriber.
30	Remission of disallowance by Audit and writing off over payments made to the servants of the Committee.	..	Full powers, subject to the provisions of para 49 of General Financial Rules Vol. I.
31	Grant of overtime allowances to staff.	..	Full powers.

[No. 16-2/64-LD.]

K. C. SARKAR, Under Secy.

## (Department of Agriculture)

New Delhi, the 1st January 1966

**S.O. 123.**—In exercise of the powers conferred by Section 3 of the Agricultural Production (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following amendments in the Turmeric Grading and Marking Rules, 1964, the same having been previously published as required by the said section, namely:—

1. These rules may be called the Turmeric Grading and Marking (Amendment) Rules, 1965.

2. In the Turmeric Grading and Marking Rules, 1964—

(i) in rule 3, for the words and figures "Schedules II to IV", the words figures and letter "Schedules II, IIA, III and IV" shall be substituted;

(ii) in rule 4, after the word and figure "Schedule II", the word, figure and letter "and Schedule IIA" shall be inserted;

(iii) for Schedule II, the following Schedules shall be substituted, namely :—

“SCHEDULE II

(See rules 3 and 4)

Grade designations and definition of quality of turmeric ‘Fingers’ produced in India (for varieties other than Alleppey Variety)

Special Characteristics

Grade designations	Flexibility	*Pieces, Foreign matter by weight max.				Percentage of defective bulbs (by weight) max.	General Characteristics
		Pieces	Foreign matter	Percentage of defective bulbs	Percentage of defective bulbs		
Special	Should be hard to touch and break with metallic twang.	2	1.0	0.5	2.0	1.	The turmeric ‘fingers’ shall be secondary rhizomes of the plant <i>Curcuma longa</i> L. 2. They shall—
Good	Do.	3	1.5	1.0	3.0	(a)	be well set and closely grained and be free from bulbs (Primary rhizomes) and ill developed porous fingers;
Fair	Should be hard.	5	2.0	1.5	5.0	(b)	have the shape, length, colour and other characteristic of the variety.
Non-specified		..	..	..	..	(c)	be perfectly dry and free from damage caused by weevils, moisture, over-boiling or fungus attack except that 1.0% and 2.0% by weight of rhizomes damaged by moisture and over boiling should be allowed in grades Good and Fair respectively.
						(d)	not have been artificially coloured with chemicals or dyes.

NOTE :—*Foreign matter* : includes chaff, dried leaves, clay particles, dust, dirt and any other extraneous matter.

*Length* : shall be reckoned from one tip of the finger to the other tip longitudinally.

*Colour of core and Flexibility* : shall be reckoned from fingers freshly broken with hands.

*Chura and defective bulbs* : includes immature small fingers and 0. bulbs, internally damaged, hollow and porous bulbs, cut bulbs and other types of damaged bulbs except weevilled bulbs.

*Non-Specified* : This is not a grade in its strict sense, but has been provided for the produce not covered by the other grades. Turmeric fingers under this grade shall be exported only against a ‘Firm Order’.

\*Pieces are fingers, broken or whole, of 15 mm or less in length”.



## SCHEDULE IIA

(See rules 3 and 4)

Grade designations and definition of quality of the variety of Turmeric commercially known as Alleppey Finger Turmeric produced in India.

Grade designations	Special Characteristics					General Characteristics
	Flexibility	*Pieces, per-centage by weight max.	Foreign matter % by weight max.	Chura and defective bulbs % by weight max.	Per-centage of bulbs and cut bulbs by weight maximum.	
1	2	3	4	5	6	7
Good	Should be hard to touch	5	1.0	3.0	4.0	1. The turmeric 'fingers' shall be secondary-rhizomes of the plant <i>Curcuma Longa</i> L.
Fair	Should be hard to touch	7	1.5	5.0	5.0	2. They shall—
Non specified		..	..	..	..	(a) be well set and closely grained and free from bulbs (Primary rhizomes) and ill developed porous fingers ; (b) have the shape, length, wrinkles and other colour characteristic of the variety. (c) be perfectly dry and free from damage caused by weevils moisture, over boiling or fungus attack except that 1.0% and 2.0% by weight of rhizomes damaged by moisture and over boiling shall be allowed in grades Good and Fair respectively; (d) not have been artificially coloured with chemicals or dyes.

## NOTE:

*Foreign matter*: includes chaff, dried leaves, clay particles, dust, dirt and any other extraneous matter.

*Length*: shall be reckoned from one tip of the finger to the other tip longitudinally.

*Colour of core and Flexibility*: shall be reckoned from fingers freshly broken with hands.

*Chura and defective bulbs*: includes immature small fingers and or bulbs, internally damaged, hollow and porous bulbs, cut bulbs and other types of damaged bulbs except weevilled bulbs.

*Non-specified*: This is not a grade in its strict sense, but has been provided for the produce not covered by the other grades. Turmeric fingers under this grade shall be exported only against a 'Firm Order'.

\*Pieces are fingers, broken or whole, of 15 mm or less in length."

[F. 15-21/65-AM.]

SANTOKH SINGH, Under Secy.

# **MINISTRY OF PETROLEUM & CHEMICALS**

*New Delhi, the 24th December 1965*

**S.O. 124.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between the Gujarat Refinery, Baroda in Gujarat State to Ahmedabad in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent authority at Elampeco, 4th Floor Sayaji Ganj Opp. College Lokmanya Tilak Road, Baroda in the office of the Gujarat Pipeline Project, Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## **SCHEDULE**

State : Gujarat      Distt : Kaira      Taluka : Anand

Village	Survey No.	Acre	Guntha	Sq. yds
Anand	816/1	0	4	60
	728/3 <sup>1</sup>	0	6	52
	728/2	0	6	52
	858	0	9	0
	857	0	10	57
	856/2	0	6	13
	856/3/2	0	4	60
	1017/1+2	0	10	73
	1017/4	0	0	100
	1017/3	0	5	17
	1018/1	0	2	69
	1019/1	0	5	17
	1021	0	6	52
	1022	0	5	95
	1023	0	7	96
	1025	0	5	17
	1032/2	0	6	91

[No. 31(41)/64-ONG/OR.]

**S.O. 125.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between the Gujarat Refinery, Baroda in Gujarat State to Ahmedabad in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent authority at Elampeco, 4th Floor Sayaji Ganj Opp. College Lokmanya Tilak Road, Baroda in the office of the Gujarat Pipeline Project, Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State :	Gujarat	Distt :	Mahešana	Taluka :	Kalol
Village	Survey No.	Acre	Guntha	Sq. yds.	
Rakanpur .	664 . . . . .	0	6	66	
Santg . . . . .	311 . . . . .	0	0	100	
	293 . . . . .	0	17	102	
	408 . . . . .	0	6	66	
Nadasar .	1312 . . . . .	0	25	45	
	1074/2 . . . . .	0	2	0	
	1074/1/1 . . . . .	0	4	0	
	1074/1/2 . . . . .	0	2	50	
	790 . . . . .	0	5	50	
Sabaspur . . . . .	210 . . . . .	0	17	110	
	53 . . . . .	0	9	25	
Serisa . . . . .	1033/1 . . . . .	0	3	27	
	579 . . . . .	0	7	30	
	569 . . . . .	0	15	99	
	645 . . . . .	0	24	4	
	933/2 . . . . .	0	1	10	
	546/1 . . . . .	0	26	43	
Ramnagar . . . . .	98/1 . . . . .	0	3	106	
Bori Sana . . . . .	747 . . . . .	0	7	25	
	771 . . . . .	0	16	63	
	695/4 . . . . .	0	1	0	
	694 . . . . .	0	12	0	

[No. 25(29)/65-ONG/OR/VOL.IV.]

**S.O. 126.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between the Gujarat Refinery, Baroda in Gujarat State to Ahmedabad in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent authority at Elampeco, 4th Floor Sayaji Ganj Opp. College Lokmanya Tilak Road, Baroda in the office of the Gujarat Pipeline Project, Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State :	Gujarat	Distt :	Ahmedabad	Taluka :	Dascroi
Village	Survey No.	Acre	Guntha	Sq. yds.	
Silaj . . . . .	330 . . . . .	0	9	22	

[No. 25(29)/65-ONG/OR-V.]

V. P. AGARWAL, Under Secy.

## ERRATA

*New Delhi, the 24th December 1965*

**S. O. 127.**—In the Notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 3024 dated 24-8-1964 published in the Gazette of India, Part II, Section 3 in Sub-section (ii), dated 5-9-1964.

I. at page 3397 and at village Anand

	A.	G.	S. Yds.
(i) for "S. No. 1292 P	0	8	82 "
read "S. No. 1292/2P	0	2	77 "

(ii) Omit S. Nos. 1279 and 1251.

II. at page 3398 and at village Anand

	A.	G.	S. Yds.
(i) for "0 10 73" of S. No. 1322			
read "0 1 49"			

(ii) for "0 16 117" of S. No. 1175			
read "0 4 0"			

(iii) Omit S. Nos. 1170 admeasuring OA—8G.—58 S. Yds., 1168, 1148 Paiki, 1148 Paiki 1109, 1108, 1107 and 1106.

[No. 31(41)/64-ONG/OR.]

**S. O. 128.**—In the Notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 162, dated 31-12-1964, published in the Gazette of India, Part II, Section 3 in sub-section (ii) dated 9-1-1965.

I. at page 178 and at village Anand

	A.	G.	S. Yds.
(i) for "0 12 104" of S. No. 728/1			
read "0 8 82"			

(ii) for "0 4 76" of S. No. 726/3			
read "0 0 80"			

(iii) for "S. No. 822/1 0 8 66"			
read "S. No. 822/3 0 3 26"			

	A.	G.	S. Yds.
(iv) for "0 31 99" of S. No. 847			
read "0 12 0"			

(v) for "0 20 22" of S. No. 854			
read "0 1 77"			

(vi) for "S. No. 1020 0 16 117"			
read "S. No. 1020/2 0 2 46"			

(vii) for "0 15 90" of S. No. 1105/1			
read "0 5 90"			

(viii) omit S. Nos. 812, 848, 853, 855, 1041, 1039 and 1030.

[No. 31 (41)/64-ONG/OR.]

*New Delhi, the 27th December 1965*

**S. O. 129.**—In the notification of the Government of India, in the Ministry of Petroleum and Chemicals, S.O. No. 2779, dated 24-8-1965, published in the Gazette of India, Part II, Section 3 in Sub-section (ii), dated 4-9-1965.

I. at page 3037

	A.	G.	Sq. Yds.
(i) for "0 175 1" of S. No. 431 of village Santei			
read "0 17 51"			

	A.	G.	Sq. Yds.
(ii) for S. No. "274/1 0 22 99" and			
S. No. "274/2 0 21 41"			
read S. No. "274/1-2" 0 21 10"			

	A.	G.	Sq. Yds.
(iii) for "0 10 86" of S. No. 1305/1 of village Vadasar,			
read "0 8 98"			

(iv) for "0 19 41" of S. No. 1304 of village Vadasar,			
read "0 12 49"			

II. at page 3038 and at Village Vadasar

A. G. Sq. Yds.

(i) for "0 12 72" of S. No. 820  
read "0 7 110".

III. at page 3039 and at village Serisa

A. G. S. Yds.

(i) for "0 18 46" of S. No. 1038  
read "0 14 46".

(ii) for "0 19 21" of S. No. 1037  
read "0 14 21".

(iii) for "0 14 28" of S. No. 1033/2  
read "0 6 1".

(iv) for "0 15 67" of S. No. 933/5  
read "0 10 10".

(v) for "0 22 8" of S. No. 933/3  
read "0 9 10".

(vi) for "1 0 6" of S. No. 931  
read "0 22 60".

(vii) Omit "S. No. 561/1.

A. G. S. Yds.

(viii) for "0 13 25" of S. No. 643  
read "0 10 60".

IV. at page 3040

A. G. S. Yds.

(i) for S. No. "570/2 0 10 50"  
and "570/1 0 11 53" of village Serisa  
read "570 0 16 40".

(ii) Omit S. No. 945/4 of village Borisana.

[No. 25(29)/65-ONG/OR/VI.]

**S. O. 130.**—In the notification of the Government of India in the Ministry of Petroleum and Chemicals, S. O. No. 2781, dated 24-8-65, published in the Gazette of India, Part II, Section 3, in sub-section (ii) dated 4-9-65.

I. at page 3042 and at village Silaj

A. G. Sq. Yds.

(i) for "0 66 52" of S. No. 182  
read "0 9 22".

(ii) Omit S. No. "300 OA. 9 G. 22 Sq. Yds."

[No. 25(29)/65-ONG/OR/VII.]

V. P. AGARWAL, Under Secy.

## MINISTRY OF INDUSTRY AND SUPPLY

(Department of Industry)

(Indian Standards Institution)

New Delhi, the 24th December 1965

**S.O. 131.**—In licence No. CM/L-589 dated 14th October 1963 held by M/s. P.V.C. Wires and Cables Private Ltd., Calcutta, the details of which are published under S.O. 78 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 2nd January 1965, the list of articles has been revised as under with effect from 27 December 1965:

Type	Voltage Grade	Conductor
<b>PVC Insulated Cables</b>		
(i) Single core (unsheathed)	250/440 and 650/1100 Volts	Copper or Aluminium
(ii) Twin flat with or without earth continuity conductor (PVC sheathed)	250/440 Volts	Copper only

[No. MD/12:1138.]

**S.O. 132.**—In pursuance of sub-regulation (i) of regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been cancelled.

#### THE SCHEDULE

Serial No. and Title of the Indian Standard Cancelled No.	No. and date of the Gazette Notification in which establishment of the Indian Standard was notified
1. IS:134-1950 Specification for enamel, spraying, interior, (1) undercoating (2) finishing colour as required.	S.R.O. 658, dated 26th March 1955, published in the Gazette of India, Part II, Section 3, dated 26th March 1955.
2. IS:172-1951 Specification for plain voiles (mock) (tentative).	
3. IS:173-1951 Specification for cotton crepes (tentative)	
4. IS:183-1951 Specification for susies (tentative)	
5. IS:184-1951 Specification for cotton dhoties (tentative).	
6. IS:185-1951 Specification for cotton saris (tentative).	
7. IS:372-1954 Specification for disodium phosphate, dodecahydrate, technical.	

[No. MD/13:7.]

New Delhi, the 27th December 1965

**S.O. 123.**—In licence No. CM/L-698 dated 25th June 1964 held by M/s. Allied Industries, Jaipur, the details of which are published under S.O. 2666 dated 6th August 1965 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 28th August 1965, the list of articles has been revised as under with effect from 1st December 1965:

12.5 and 15 litres capacity cast iron flushing cisterns for water closets and urinals (bell type), high level.

[No. MD/12:1061.]

New Delhi, the 28th December 1965

**S.O. 134.**—In licence No. CM/L-413 dated 5-5-1962 held by M/s. Devidayal Cable Industries Private Ltd., Bombay, the details of which are published under S. O. 2131 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 3rd July 1965, the list of articles has been revised as under with effect from 16th December 1965:

Type	Voltage Grade	Conductor
(a) VIR Cables for Fixed Wiring		
(i) TRS (tough rubber sheathed)	250/440 and 650/1100 Volts	Copper or Aluminium.
(ii) Braided and compounded	250/440 and 650/1100 Volts.	
(iii) Weatherproof	250/440 Volts.	
(iv) Flame retarding	250/440 and 650/1100 Volts	
(v) Weatherproof	650/1100 Volts	Aluminium only.
(b) VIR Flexible Cables		
(vi) Welding Cables	..	Copper only.
(c) VIR Flexible Cords		
(vii) TRS (tough rubber sheathed)	250/440 Volts	Copper only.

[No. MD/12:440.]

**S.O. 135**—In licence No. CM/1-1155 dated 15-10-1965 held by M/s. Rajasthan Cable Industries Pvt. Ltd., Kota, the details of which are published under S.O. 3586 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 20th November 1965, the list of articles has been revised as under with effect from 16 December 1965:

Type	Voltage Grade	Conductor
<b>(a) VIR Cables for Fixed Wiring</b>		
(i) Braided and compounded . . . . .	250/440 and 650/1100 Volts	Copper or Aluminium.
(ii) Tough-rubber sheathed . . . . .	250/440 Volts	Copper or Aluminium.
(iii) Tough-rubber sheathed . . . . .	650/1100 Volts	Aluminium only.
(iv) Weatherproof . . . . .	250/440 Volts	Copper or Aluminium.
(v) Weatherproof . . . . .	650/1100 Volts	Aluminium only.
<b>(b) VIR Flexible Cords</b>		
(vi) Braided and compounded ('Workshop' type) . . . . .	250/440 Volts	Copper only.
(vii) Twisted and circular artificial silk or glass cotton braided . . . . .	250/440 Volts	Copper only.
(viii) Tough-rubber sheathed . . . . .	250/440 Volts	Copper only.

[No. MD/12:1525.]

**S.O. 136**—In licence No. CM/L-1149 dated 29-9-65 held by M/s. Fort Gloster Industries Ltd. Bauria, S.E. Rly., having their Office at 14 Netaji Subhas Road Calcutta-1, the details of which are published under S.O. 3324 in the Gazette of India Part II, Section 3, Sub-section (ii) dated 23-10-65 the list of articles has been revised as under with effect from 27th December 1965 :

Type	Voltage Grade	Conductor
(a) <i>PVC Insulated Cables</i>		
(i) Single core (unsheathed)	250/440 and 650/1100 Volts <sub>2</sub>	} Aluminium only.
(ii) Single core (PVC sheathed)	250/440 and 650/1100 Volts	
(iii) Circular twin, three and four cores (PVC sheathed)	250/440 and 650/1100 Volts	
(iv) Flat twin with or without earth continuity conductor (PVC sheathed)	650/440 and 650/1100 Volts	
(v) Flat three core (PVC sheathed)	250/440 and 650/1100 <sub>4</sub> Volts	
(b) <i>PVC Flexible Cords</i>		
(vi) Twin twisted (unsheathed)	250/440 Volts	} Copper only.
(vii) Parallel twin (unsheathed)	250/440 Volts	
(viii) Circular twin, three core and four core (PVC sheathed)	250/440 Volts	

[No. MD/12 : 2172.]

D. DAS GUPTA, Dy. Director.

## (Department of Industry)

## CORRIGENDUM

*New Delhi, the 30th December 1965*

**S.O. 137.**—In the Ministry of Industry and Supply Order No. S.O. 2209/IDRA/6/15, dated the 5th July, 1965, published in Part II Section 3 Sub-Section (ii) of the Gazette of India, dated the 10th July, 1965.

For "4. Shri H. N. Patel, M/s. Bakelite (India) Pvt. Ltd., India House, Post Box No. 1948, Bombay-1."

Read "4. Dr. H. N. Patel, Bakelite (India) Private Ltd., Tiecicon, 18, Haines Road, Mahalakshmi, Bombay-11."

[No. 2(9)/Dev. Councils/64.]

J. S. BAKHSHI, Under Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

*New Delhi, the 22nd December 1965*

**S.O. 138.**—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri V. K. Eradi, as a member of the Advisory Panel of the said Board at Madras with immediate effect.

[No. 11/3/65-FC.]

## ORDER.

*New Delhi, the 22nd December 1965*

**S.O. 139.**—In pursuance of the Directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Hindi version to be of the description specified against it in column 6 of the said Second Schedule

## THE FIRST SCHEDULE.

(1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

(3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act C XVII of 1953)

## THE SECOND SCHEDULE

Sl No.	Title of the film.	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film intended for educational purposes or a film dealing with news and current events or docu- mentary film.
1	2	3	4	5	6
	Gole Ka Nishan	214 M	Director of Publicity, Go- vernment of Maharashtra, Bombay.		Film intended for educa- tional purposes (For release in Maharashtra Circuit only).

[No. F. 24/1/65-FP App 1053.]

D. R. KHANNA, Under Secy.



*New Delhi, the 27th December, 1965*

**S.O. 140.**—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Smt. Usha Khan after consultation with the Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Calcutta with immediate effect.

[No. F. 11/3/62-FC.]

*New Delhi, the 30th December 1965*

**S.O. 141.**—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Shri Sookamal Kanti Ghose after consultation with the Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Calcutta with immediate effect.

[No. F. 11/3/62-FC.]

**B. GHOSE, Under Secy.**

### **MINISTRY OF REHABILITATION**

**(Office of the Chief Settlement Commissioner)**

*New Delhi, the 28th December 1965*

**S.O. 142.**—In exercise of the powers conferred by Sub-Section (I) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri B. R. Kher, Assistant Settlement Officer in the office of the Regional Settlement Commissioner, Bombay as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took over charge of his post.

[No. 8/136/Comp. I/57(V.II.)]

**S.O. 143.**—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints for the State of Maharashtra, Shri B. R. Kher, Assistant Settlement Officer in the office of the Regional Settlement Commissioner, Bombay as Managing Officer for the custody, management and disposal of compensation pool with effect from the date he took over charge of his office.

[No. 8/136/Com. I/57(V-II.)]

*New Delhi, the 1st January 1966*

**S.O. 144.**—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri R. S. Kang, I.A.S., Secretary, Rehabilitation Department, Punjab Government, so long as he holds that post, to be a Settlement Commissioner in the State of Punjab, for the purpose of performing, in addition to his own duties as Secretary, Rehabilitation Department, Punjab Government, the functions assigned to a Settlement Commissioner by or under the said Act, in respect of the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. 3(37)/L&R/63-A, dated the 5th March, 1964.

[No. 3(10)/L&R/65.]

**S.O. 145.**—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri R. S. Kang, I.A.S. Secretary, Rehabilitation Department, Punjab Government, so long as he holds that post, to be a Settlement Commissioner in the State of Punjab, for the purpose of performing, in addition to his own duties as Secretary, Rehabilitation Department, Punjab Government, the functions assigned to a Settlement Commissioner by or under the said Act, in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites, if any, forming part of the Compensation Pool.

[No. 3(10)/L&R/65.]

**M. J. SRIVASTAVA,**  
Settlement Commissioner &  
Ex-officio Under Secy.

**(Office of the Chief Settlement Commissioner)***New Delhi, the 1st January 1966*

**S.O. 146.**—In exercise of the powers conferred on the Chief Settlement Commissioner by sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 he hereby delegates with immediate effect to Shri K. S. Kang, I.A.S., Settlement Commissioner, Punjab, his powers under sections 23, 24 and 28 of the said Act for the purposes of passing necessary orders in respect of the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. 3(37)/L&R/63-A dated the 5th March, 1964.

[No. 3(10)/L&amp;R/65.]

**S.O. 147.**—In exercise of the powers conferred on the Chief Settlement Commissioner by sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, he hereby delegates with immediate effect to Shri R. S. Kang, I.A.S., Settlement Commissioner, Punjab, his powers under sections 23, 24 and 28 of the said Act for the purposes of passing necessary orders under these sections in so far as they relate to the Custody, management and disposal of property (including agricultural land) in the State of Punjab in a rural area as defined in clause (f) of rule 2 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, which forms part of Compensation Pool.

[No. 3(10)/L&amp;R/65.]

**S.O. 148.**—In exercise of the powers conferred on the Chief Settlement Commissioner by sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 he hereby delegates with immediate effect to Shri R. S. Kang, I.A.S., Settlement Commissioner, his powers under section 30(2) of the said Act in so far as such orders relate to any sums due under the said Act in respect of the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. 3(37)/L&R/63-A, dated the 5th March, 1964.

[No. 3(10)/L&amp;R/65.]

**S.O. 149.**—In exercise of the powers conferred on the Chief Settlement Commissioner by sub-section (2) of Section 24 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, he hereby delegates with immediate effect to Shri R. S. Kang, Settlement Commissioner, Punjab, his powers under Section 30(2) of the said Act in so far as such orders relate to any sums due under the said Act in respect of the property (including agricultural land) in the State of Punjab in a rural area as defined in clause (f) of rule 2 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, which forms part of the Compensation Pool.

[No. 3(10)/L&amp;R/65.]

**G. D. KSHETRAPAL,**

Chief Settlement Commissioner.

**MINISTRY OF COMMUNITY DEVELOPMENT & CO-OPERATION****(Department of Co-operation)***New Delhi, the 29th December 1965*

**S.O. 150.**—In exercise of the powers conferred by Section 5B of the Multi-Unit Co-operative Societies Act, 1942 (6 of 1942) and in supersession of the Ministry of Community Development & Co-operation, (Department of Co-operation) Notification No. 3-17/62-CT, dated the 24th October, 1963, the Central Government hereby directs that all powers or authority exercisable by the Central Registrar of Co-operative Societies under the said Act shall also be exercisable by Shri M. L. Verghese, joint Registrar of Co-operative Societies (Credit), Madras in respect of the Multi-Unit Co-operative Societies which are or are deemed to be actually registered in the State of Madras.

[No. F. 3-14/64-CT.]

**A. C. BANDYOPADHYAY, Dy. Secy**

## MINISTRY OF COMMERCE

## COFFEE CONTROL

New Delhi, the 31st December 1965

**S.O. 151.**—In exercise of the powers conferred by clause (c) of sub-section (2) and sub-section (2A) of section 4 of the Coffee Act, 1942 (7 of 1942), read with clause (c) of sub-rule (2) of rule 3 and rule 4 of the Coffee Rules, 1955, the Central Government hereby appoints,

1. Shri M. C. Narasimhan, Karnatak Pradesh Trade Union Congress, 50-A, Arcot Srinivasachar Street, Bangalore-2; and
2. Shrimati Parvathi Krishnan, 48, Perla Swami Road, R. S. Puram, Coimbatore-2.

as members of the Coffee Board to represent the interest of labour and they shall hold office for the period commencing from the date of this notification and ending with the 19th April, 1968.

[No. 1(1) Plant(B)/64.]

B. KRISHNAMURTHY, Under Secy.

## (Office of the Joint Chief Controller of Imports and Exports)

## ORDERS

Bombay, the 27th September 1965

**S.O. 152.**—Whereas M/s. Continental Motors, Bhilai Industrial Estate, Bhilai, Madhya Pradesh, or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/115/65/CDN. II/2114 dated 15th July, 1965 proposing to cancel licence No. P/SS/1525723/C/XX/19/C/B/18 dated 22nd July, 1964, valued at Rs. 9,612 for the import of Distributors weights, Distributors Bushings, Distributor Contract Breaker Points, Distributors Condensers and Distributors Vacuum Control from the General Currency Area (Except South Africa) granted to the said M/s. Continental Motors, Bhilai Industrial Estate, Bhilai, Madhya Pradesh by the Joint Chief Controller of Imports and Exports, Bombay, Government of India in the Ministry of Commerce in exercise of the powers conferred by Clause 9(cc) of the Imports (Control) Order 1955, hereby cancel the said licence No. P/SS/1525723/C/XX/19/C/B/18 dated 22nd July, 1964 issued to the said M/s. Continental Motors, Bhilai Industrial Estate, Bhilai Madhya Pradesh.

M/s. Continental Motors, Office address:—86-B, Girgaum Road, Bombay-4.

[No. 1/115/65/CDN. II.]

**S.O. 153.**—Whereas M/s. Continental Motors, 66-B, Girgaum Road, Bombay-4 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/115/65/CDN. II/2113 dated 15th July, 1965, proposing to cancel licence No. P/SS/1526534/C/XX/19/C/B/18 dated 29th September, 1964 valued at Rs. 24,137 for the import of Electrical Instruments for Automobile Distributors and Tools for the manufacture of Automobile Distributors from the General Currency Area (Except South Africa) granted to the said M/s. Continental Motors, 66-B, Girgaum Road, Bombay-4 by the Joint Chief Controller of Imports & Exports, Bombay, Government of India in the Ministry of Commerce in exercise of the powers conferred by Clause 9(cc) of the Imports (Control) Order 1955 hereby cancel the said licence No. P/SS/1526534/C/XX/19/C/B/18 dated 29th September, 1964 issued to the said M/s. Continental Motors, 66-B, Girgaum Road, Bombay-4.

M/s. Continental Motors, 66-B, Girgaum Road, Bombay-4.

[No. 1/115/65/CDN. II.]

N. BANERJEE

Dy. Chief Controller of Imports &amp; Exports.

## (Central Licensing Area)

## ORDER

New Delhi, the 29th October 1965

**S.O. 154.**—Whereas Messrs. Wireless Television Corporation, E-17, Connaught Place, New Delhi or any bank or any other person have not come forward furnishing sufficient cause against Notice No. JCCI/I/(CLA)/W-3/65/1558, dated

15th September, 1965 proposing to cancel licence No. P/SS/1578543/C/XX/20/C/D/19-20, dated 20th March 1965 for the import of Domestic Radio Parts for Rs. 33,716 granted to said Messrs. Wireless Television Corporation, E-17, Connought Place, New Delhi by the Joint Chief Controller of Imports and Exports (Central Licensing Area), New Delhi Government of India, in the Ministry of Commerce in exercise of the powers conferred by the clause 9 of the import (Control) Order 1955, hereby cancel the said licence No. P/SS/1578543/C/XX/20/C/D/19-20, issued to Messrs. Wireless Television Corporation, E-17, Connought Place, New Delhi.

[No. JCC.I/I(CLA)/W-3/65/2225.]

S. K. SEN,

Jt. Chief Controller of Imports and Exports.

(Department of Communications)

(P. & T. Board)

New Delhi, the 30th December 1965

S.O. 155.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st January, 1966 as the date on which the Measured Rate System will be introduced in Chitradurga Telephone Exchange.

[No. 31-37/65-PHB.]

S.O. 156.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st January, 1966, as the date on which the Measured Rate System will be introduced in Davangere Telephone Exchange.

[No. 31-39/65-PHB.]

New Delhi, the 1st January, 1966

S.O. 157.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 14th January, 1966, as the date on which the Measured Rate System will be introduced in Gauhati Telephone Exchange.

[No. 31-30/65-PHB.]

S. RAMA IYER,

Assistant Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 30 दिसम्बर, 1965

एस० ओ० 1580.—स्थायी आदेश क्रमसंख्या 627 दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक चित्तूरगं टेलीफोन केन्द्र में 1 जनवरी, 1966 से प्रभापित दर प्रणाली चालू करम का निश्चय करते हैं ।

[सं० 31-37/65-पी०एच०बी०]

एस० ओ० 159.—स्थायी आदेश क्रमसंख्या 627 दिनांक 8 मार्च, 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक दावणगिरि टेलीफोन केन्द्र में 1 जनवरी, 1966 से प्रभापित दर प्रणाली चालू करने का निश्चय करते हैं ।

[सं० 31-39/65-पी०एच०बी०]

नई दिल्ली, 1 जनवरी 1966

सू० अ० 160.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 के द्वारा लागू किये गए भारतीय तार नियमावली 1951, के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने गौहाटी टेलीफोन केन्द्र में 14 जनवरी, 1966 से प्रभापित वर प्रणाली लागू करने का निश्चय किया है।

[सं० 31-30/65 पी०एच०बी०]

एस० रामा अय्यर,

सहायक महानिदेशक (पी०एच०बी०)

